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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 13 December 1945, 1000-1300, Lord Justice Lawrence, presiding.

MR. THOMAS A. DODD: May it please the Tribunal, at the close of yesterday's session, we were discussing and had just completed reading the excerpts from the interrogation of the 6th day of October 1945 wherein the Defendant Alfred Rosenberg was questioned.

There have already been introduced Documents 017-PS, and 019-PS, and I have read excerpts from them. The Tribunal will recall that they are letters written by the Defendant Sauckel to the Defendant Rosenberg, requesting the assistance of the Defendant Rosenberg in the recruitment of additional foreign laborers. I refer to them in passing, by way of recapitualtion, with respect to the Defendant Sauckel's participation in this slave labor program, and also the assistance of the Defendant Rosenberg. Also the Defendant Sauckel received help from the Defendant Seyss-Inquart, who was the Reichskommisar for the Occupied Netherlands.

I refer again to the transcript of the interrogation under oath of the Defendant Sauckel, which was read from yesterday, and I now refer to another part of it. The transcript of this interrogation will be found in the rear of the Document Book. It is the very last document and I wish to quote particularly from it. It is the first question:

"Q. For a moment, I want to turn our attention to Holland. It is my understanding that the quotas for the workers from Holland were agreed upon, and then the numbers given to the Reichskommisar Seyss-Inquart to fulfill, is that correct?

"A. Yes, that is correct.

"Q. After the quota was given to Seyss-Inquart, it was his mission to fulfill it with the aid of your representatives; was it not?

"A. Yes. This was the only possible thing for me to do and the same applied to other countries."

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And the Defendant Hans Frank, who was the Governor General of the Government General of Poland, participated in the filling of Defendant Sauckel's quota requirements.

I refer again to the interrogation of the Defendant Sauckel and to Page 1 of the excerpts from the transcript of this interrogation, as it appears in the Document Book:

"Q. Was the same procedure substantially followed of allocating quotas in the General Government Poland?

"A. Yes. I have to basically state again that the only possibility I had in carrying through these missions was to get in touch with the highest German military authority in the respective country and to transfer to them the orders of the Fuehrer and ask them very urgently, as I have always done, to fulfill these orders.

"Q. Such discussions in Poland, of course, were with the General Governor Frank?

"A. Yes. I spent a morning and afternoon in Krakov twice or three times, and I personally spoke to General Governor Frank. Naturally, there was also present Secretary Dr. Goebble."

The SS, as in most matters involving the use of force and brutality, also extended its assistance. We refer to Document No. 1292-PS, which is USA Exhibit No. 225. This document, 1292-PS, is the report of the Reichschancellor Lammers of a conference with Hitler, which was attended by, among others, the Defendant Sauckel, the Defendant Speer, and Himmler the Reichsfuehrer SS. I turn to Page 2 of the document, beginning with the third line from the top of the page of the English text; and it is Page 4, Paragraph 2 of the German text. The quoting reads as follows:

"The Plenipotentiary for Employment and Labor, Sauckel, declared that he will attempt with fanatical determination to obtain these workers. Until now, he has always kept his promises as to the number of workers to be furnished. With the best of intentions, however, he is unable to make a definite promise for 1944. He will do everything in his powers to furnish the requested manpower in 1944. Whether it will succeed depends primarily on what German enforcement agents will be made available. His project cannot be carried out with domestic enforcement agents."

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There are additional quotations, as the Tribunal may observe, in this very part from which I have been reading, but I intend to refer to them again a little further on.

The Defendant Sauckel participated in the formulation of the overall labor requirements for Germany and passed out quotas to be filled, by and with the assistance of the individuals and agencies referred to, in the certain knowledge that force and brutality were the only means whereby his demands could be met. Turning to Document 1292-PS again, and quoting from Page 1:

"A conference took place with the Fuehrer today which was attended by: the Plenipotentiary for the Employment of Labor, Gauleiter Sauckel; the Secretary for Armament and War Production, Speer; the Chief of the Supreme Command of the Army, General Field Marshal Keitel; General Field Marshal Milch; the Minister of the Interior, Reichsfuehrer of the SS, Himmler, and myself. (The Minister for Foreign Affairs and the Minister of National Economy had repeatedly asked to be permitted to participate prior to the Conference, but the Fuehrer did not wish their attendance.)

"The Fuehrer declared in his introductory remarks:

'I want a clear picture:

(1) How many workers are required for the maintenance of German War Economy?

(a) For the maintenance of present output?

(b) To increase its output?

(2) How many workers can be obtained from Occupied Countries, or how many can still be gained in the Reich by suitable means (increased output)? For one thing, it is this matter of making up for losses by death, infirmity, the constant

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fluctuation of workers, and so forth, and further it is a matter of procuring additional workers."

"The Plenipotentiary for the Employment of Labor, Sauckel, declared that, in order to maintain the present pool of workers, he would have to add at least 2½ but probably 3 million new workers in 1944. Otherwise production would fall off. Reichsminister Speer declared that he needs an additional 1.3 million laborers. However, this would depend on whether it will be possible to increase production of iron ore. Should this not be possible, he would need no additional workers. Procurement of additional workers from occupied territory would, however, be subject to the condition that these workers will not be withdrawn from armament and auxiliary industries already working there. For this would mean a decrease of production of these industries which he could not tolerate. Those, for instance, who are already working in France in industries mentioned above, must be protected against being sent to work in Germany by the Plenipotentiary for the Employment of Labor. The Fuehrer agreed with the opinions of Reichminister Speer and emphasized that the measures taken by the Plenipotentiary for the Employment of Labor should order no circumstances, which would lead to the withdrawal of workers from armament and auxiliary industries working in occupied territories, because such a shift of workers would only cause disturbance of production in occupied countries.

"The Fuehrer further called attention to the fact that at least 250,000 laborers will be required for preparations against air attacks in the field of civilian air raid protection. For Vienna alone 2000 - 2500 are required immediately. The Plenipotentiary for the Employment of Labor must add at least 4 million workers to the manpower pool, considering that he requires 2½ million workers for maintenance of the present level, that Reich Minister Speer needs 1.3 million additional workers, and that the above-mentioned preparations for security measures against air attacks call for 0.25 million laborers."

Referring again to Page 2, the first full paragraph of the English text of this document; and Page 5, Paragraph 1 of the German text:

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"The Reichfuehrer SS explained that the enforcement agents put at his disposal are extremely few, but that he would try helping the Sauckel project to succeed by increasing them and working them harder. The Reichfuehrer SS made immediately available 200 to 2500 men from concentration camps for air raid preparations in Vienna."

Passing the next paragraph of this document, and continuing with the paragraph entitled "Results of the Conference," and quoting it directly after the small figure 1:

"The Plenipotentiary for Employment of Labor shall procure at least four million new workers from occupied territories."

Moreover, as Document 3012-PS, which has already been offered as USA Exhibit 190, revealed, the Defendant Sauckel in requesting the assistance of the Army for the recruitment of one million men and women from the occupied Eastern territories, informed the Defendant Keitel that prompt action was required and that, as in all other occupied countries, pressure had to be used if other measures were not successful. Again, as revealed by Document 018-PS, which has been offered, and from which excerpts have been read, the Defendant Sauckel was informed by the Defendant Rosenberg that the enslavement of foreign labor was achieved by force and brutality. Notwithstanding his knowledge of conditions, the Defendant Sauckel continued to request greater supplies of manpower from the areas in which the most ruthless methods had been applied. Indeed, when German Field Commanders on the Eastern Front attempted to resist or restrain the Defendant Sauckel's demands, because forced recruitment was swelling the ranks of the partisans and making the Army's task more difficult, Sauckel sent a telegram to Hitler, in which he implored him, Hitler, to intervene.

I make reference to Document No. 407 II PS, which bears USA Exhibit No. 226. This document is a telegram from the Defendant Sauckel to Hitler, dated the 10 day of March, 1943. It is a rather long message, but I wish to call particularly to the attention of the Tribunal the last paragraph on Page 1 of the English text. It is Page 2, Paragraph 5

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of the German text. Quoting the last paragraph of the English text:

"Therefore, my Fuehrer, I ask you to abolish all orders, which oppose the obligation of foreign workers for labor, and to report to me kindly whether the concept of the mission presented here is still right."

Turning to Paragraph 5 on the first page of this English text, we find these words, quoting them directly:

"If the obligation for labor and the forced recruiting of workers in the East is not possible any more, then the German war industries and agriculture cannot fulfill their tasks to the full extent."

The next paragraph:

"I myself have the opinion that our Army leaders should not give credence under any circumstances to the atrocity and propaganda campaign of the partisans. The Generals themselves are greatly interested that the support for the troops is made possible in time. I should like to point out that hundreds of thousands of excellent workers going into the field as soldiers now, cannot possibly be substituted by German women not used to work, even if they are trying to do their best. Therefore, I have to use the people of the eastern territories."

THE PRESIDENT: I think you should read the next paragraph.

MR. DODD: "I myself report to you that the workers belonging to all foreign nations are treated humanely and correctly, and cleanly, are fed and housed well and are even clothed. On the basis of my own services with foreign nations, I go as far as to state that never before in the world were foreign workers treated as correctly as is now happening, in the hardest of all wars, by the German people."

In addition to being responsible for the recruitment of foreign civilian labor by force, Defendant Sauckel was responsible for the conditions under which foreign workers were

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deported to Germany and for the treatment to which they were subjected within Germany.

We have already referred to the conditions under which these imported persons were transported to Germany, and we have read from Document 2241-PS-3 to show that Sauckel knew of these conditions. Yesterday we referred at length to the brutal, degrading, and inhumane conditions under which these laborers worked and lived within Germany. We invite the attention again of the Tribunal to Document 3044-PS, already offered as USA Exhibit No.206. It is Regulation No. 4 of 7 May 1942, issued by Sauckel, as the Plenipotentiary General for the Mobilization of Labor, concerning recruitment, care, lodging, feeding and treatment of foreign workers of both sexes. By this decree, Defendant Sauckel expressly directed that the assembly and operation of rail transports and the supplying of food therefor was the responsibility of his agents until the transports arrived in Germany. By the same regulation, Defendant Sauckel directed that within Germany the care of foreign industrial workers was to be carried out by the German Labor Front, and that the care of foreign agricultural workers was to be carried out by the Reich Food Administration. By the terms of the regulation, Sauckel reserved for himself ultimate responsibility for all aspects of care, treatment, lodging and feeding of foreign workers while in transit to and within Germany.

I refer particularly to the English text of this Document 3044-PS, USA Exhibit No. 206, and the part of it that I make reference to is at the bottom of page 1 in the English text, and it appears at page 518 of the volume in the German text. Quoting directly from the English text:

"The care of foreign labor will be carried out.

"a) up to the Reich border

by my commissioners or --- in the occupied areas

by the competent military or civil labor

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mobilization agencies. Care of the labor will be carried out in cooperation with the respective competent foreign organization.

"b) Within the area of the Reich

1) By the German Labor Front in the cases of non-agricultural workers.

2) By the Reich Food administration in the case of agricultural workers.

"The German Labor Front and the German Food Administration are bound by my directives in the carrying out of their tasks of caring for the workers.

"The agencies of the labor mobilization administration are to give far-reaching support to the German Labor Front and the German Food Administration in the fulfilment of their assigned tasks.

"My competence for the execution of the care for foreign labor is not prejudiced by the assignment of these tasks to the German Labor Front and the Reich Food Administration."

THE PRESIDENT: Mr. Dodd, don't you think that that sort of passage is the sort of passage which might be summarized and not read, because all that it is really stating is that Sauckel, his department and commissioners, were responsible, and that is what he is saying.

MR. DODD: Yes, indeed, Your Honor, we spelled it out, thinking that perhaps under the rule of getting it into the record, it must be read fully. I quite agree.

THE PRESIDENT: A summary will be quite sufficient, I think.

MR. DODD: In the same document, I should like to make reference to the data on page 3, paragraph III of the English text, which indicates, under the title of "Composition and operation of the transports," that this function is the obligation of the representatives of the Defendant Sauckel; and in paragraph "c", on page 5 of the English text, under the title of "Supply for the Transport," after setting out some responsibility for the office of the German Workers Front, the Defendant Sauckel states that for the rest, his offices

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effect the supply for the transport.

The Defendant Sauckel had an agreement with the head of the German Labor Front, Dr. Robert Ley, and in this agreement, the Defendant Sauckel emphasized his ultimate responsibility by creating a central inspectorate, charged with examining the working and living conditions of foreign workers. We refer to Document 1913-PS, USA Exhibit No. 227. This agreement between the Defendant Sauckel, and the then chief of the German Labor Front, is published in the 1943 edition of the Reichsarbeitsblatt, Part I, at page 588. It is a rather lengthy agreement, and I shall not read it all, or any great part of it, except such part as will indicate the basic agreements between the Defendant Sauckel and Ley, with respect to the foreign workers and their living conditions and working conditions.

On the first page of the English text:

"The Reichsleiter of the German Labor Front, Dr. Ley, in collaboration with the Plenipotentiary General for the Arbeitseinsatz, Gauleiter Sauckel, will establish a 'central inspection' for the continuous supervision of all measures concerning the care of the foreign workers mentioned under 1. This will have the designation:

'Central inspection for care of foreign workers.'"

Paragraph 4, marked with the Roman numeral IV, in the same text, states:

"The offices of the administration of the Arbeitseinsatz will be constantly informed by the 'central inspection for the care of foreign workers' of its observations, in particular, immediately in each case in which action of State organizations seems to be necessary."

I should also like to call the attention of the Tribunal to this paragraph, which is quoted on the same page. It is the fourth paragraph down, after the small number 2, and it begins with the words:

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"The authority of the Plenipotentiary General for the Arbeitseinsatz, to empower the members of his staff and the presidents of the state employment offices to get direct information on the conditions regarding the employment of foreigners in the factories and camps, will remain untouched."

We have already offered to the Court proof that the Defendant Sauckel was responsible for compelling citizens of the occupied countries, against their will, to manufacture arms and munitions, and to construct military fortifications for use in war operations against their own country and

its allies. He was, moreover, responsible for having compelled prisoners of war to produce arms and munitions for use against their own countries and their actively resisting allies.

Thedecree appointing Sauckel indicates that he was appointed Plenipotentiary General for manpower for the express purpose, among others, of integrating prisoners of war into the German war industry; and in a series of reports to Hitler, Sauckel described how successful he had been in carrying out that program. One such report states that in a single year, the Defendant Sauckel had incorporated 1,622,829 prisoners of war into the German economy.

I refer to Document No. 407 V-PS, which is U.S.A. Exhibit 228. It is a letter from the Defendant Sauckel to Hitler, on the 14th of April, 1943. Although the figures in the document have been contained in another document, this is the first introduction of this particular document. Quoting from paragraphs numbered 1 and 2 of the English text, it begins:

> "My Fuehrer,
>
> After having been active as Plenipotentiary for Arbeitseinsatz for one year, I have the honor to report to you that 3,638,056 new foreign workers have been added to the German war economy between April 1st of the last year and March 31st of this year."

THE PRESIDENT: Are you reading Paragraph 1?

MR. DODD: Yes, Your Honor.

THE PRESIDENT: It says five million, not three.

MR. DODD: I think it is three million, if Your Honor pleases.

THE PRESIDENT: It should be three?

MR. DODD: I think so. The original looks to us like three.

Passing on a little bit, with particular reference to the prisoners of war, we find this statement:

> "Besides the foreign civilian workers, another 1,622,829 prisoners of war are employed in the German economy."

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A later report states that 846,511 additional foreign laborers and prisoners of war were incorporated into the German war industry, and quoting from Document 407-IX PS, which is also a letter from the Defendant Sauckel to Hitler, I read in part from page 1, paragraphs 1 and 2:

"My Fuehrer:

I beg to be permitted to report to you on the situation of the Arbeitseinsatz for the first five months of 1943. For the first time, the following number of new foreign laborers and prisoners of war were employed in the German war industry:

Total: 846,511."

This use of prisoners of war in the manufacture of armaments allocated by the Defendant Sauckel, was confirmed by the Defendant Speer, who stated that 40 per cent of all prisoners of war were employed in the production of weapons and munitions, and in subsidiary industries. I wish to refer briefly to paragraphs 6, 7 and 8, on page 15 of the English text of an interrogation of the Defendant Speer, on the 18th of October 1945, which was offered and referred to yesterday, and has the U.S.A. Exhibit No. 220. Quoting from Paragraphs 6, 7 and 8, on page 15, paragraph 1, on page 2 of the German text. There are two questions which will establish the background for this answer:

"Q Let me understand, when you wanted labor from prisoners of war, did you requisition prisoners of war separately, or did you ask for a total number of workers?

"A Only Schmelter can answer that directly. As far as the commitment of prisoners of war for labor goes, it was effected through employment offices of the Stalags. I tried several times to increase the total number of prisoners of war that were occupied in the production at the expense of the other demand factors.

"Q Will you explain that a little more?

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"A In the last phase of production, that is, in the year 1944, when everything collapsed, I had 40 per cent of all prisoners of war employed in the production. I wanted to have this percentage increased.

"Q And when you say 'employed in the production', you mean in these subsidiary industries that you have discussed, and also in the production of weapons and munitions, is that right?

"A Yes. That is the total extent of my task."

MR. BIDDLE: What do you mean by "subsidiary industries," Mr. Dodd? Is that war industries?

MR. DODD: Yes, sir; war industries, as we understand it. It was referred to many times by these defendants as the component parts of the place.

I also would like to call the attention of the Tribunal again to the Minutes of the 36th Meeting of the Central Planning Board, Document R-124, from which we read a number of excerpts yesterday, and remind the Tribunal that in the report of the Minutes of that meeting, the Defendant Speer stated that:

> "90,000 Russian prisoners of war employed in the whole of the armament industry are for the greatest part skilled men."

We should like, at this point, to turn to the special responsibility of the Defendant Speer and to discuss the evidence of the various crimes committed by Defendant Speer in planning and participating in the vast program of forcible deportation of the citizens of occupied countries. He was the Reich Minister of Armaments and Munitions, and Chief of the Organization Todt, both of which positions he acquired on the 15th of February 1942, and by virtue of his later acquisition of control over the armament offices of the Army, Navy and Air Force, and the production offices of the Ministry of Economics, the Defendant Speer was responsible for the entire war production of the Reich, as well as for the construction of fortifications and installations for the Wehrmacht. Proof of the positions held by the Defendant Speer is supplid in his own statement, as contained in Document

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2980-PS, which has already been offered to the Tribunal, and which bears U.S.A. Exhibit No. 18.

The industries under the Defendant Speer's control were really the most important users of manpower in Germany; and thus, according to the Defendant Sauckel, Speer's labor requirements received unconditional priority over all other demands for labor. We refer to the transcript of the interrogation of the Defendant Sauckel, on the 22nd of September, 1945. It is U.S.A. Exhibit 230. It is next to the last document in the document book. I

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wish to refer to page 1 of that document, paragraph 4. It is a brief reference, the last answer on the page. The question was asked of the Defendant Sauckel:

"Q Except for Speer, they would give the requirements in general for the broad field, but in Speer's work, he would get them allocated by industry, and so on; is that right?

"A The others I only got whatever was left. Because Speer told me once in the presence of the Fuehrer that I am here to work for Speer and that mainly I am his man."

The Defendant Speer has admitted under oath that he participated in the discussions, during which the decision to use foreign forced labor was made. He has also said that he concurred in the decision, and that it was the basis for the program of bringing foreign workers into Germany by compulsion. I make reference to the interrogation of the Defendant Speer, of the 18th of October, 1945. It bears the U.S.A. Exhibit No. 220. We have already read from it; and I particularly refer to the bottom of page 12, and the top of page 13 of the English text:

"Q But is it clear to you Mr. Speer, that in 1942 when the decisions were being taken concerning the use of forced foreign labor that you participated in the discussions yourself?

"A. Yes.

"Q So that I take it that the execution of the program of bringing foreign workers into Germany by compulsion under Sauckel was based on earlier decisions that had been taken with your agreement?

"A Yes, but I must point out that only a very small part of the manpower that Sauckel brought into Germany was made available to me, a far larger part of it was allocated to other departments that demanded them".

This admission is confirmed by the minutes of Speer's conference with Hitler on 10, 11 and 12 August 1942, in document R124, which has been offered here and from which excerpts have been read.

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Page 34 of that document, paragraph 1 of the English text, has already been quoted, and those excerpts have been read before the Tribunal yesterday. The Tribunal will recall that the Defendant Speer related the outcome of his negotiations concerning the forcible recruitment of a million Russian laborers for the German armaments industry, and this use of force was again discussed by Hitler and Defendant Speer on the 4th day of January, 1943, as shown by the excerpts read from the document 556-PS 13, where it was decided that stronger measures were to be used to accelerate the conscription of French civilian workers.

We say the Defendant Speer demanded foreign workers for the industries under his control and used these workers with the knowledge that they had been deported by force and were being compelled to work. Speer has stated under oath in his interrogation of 18th October, 1945, page 5, paragraph 9 of the English text, quoting it directly:

"I do not wish to give the impression that I want to deny the fact that I demanded manpower and foreign manpower from Sauckel very energetically."

He has admitted that he knew he was obtaining foreign labor, a large part of which was forced labor, and referring again to that same interrogation of the 18th of October 1945, and to pages 8 and 9 of the English text and page 10 of the German text:

"Q So that during the period when you were asking for labor, it seems clear, does it not, that you knew you were obtaining foreign labor as well as domestic labor in response to your requests, and that a large part of the foreign labor was forced labor.

"A Yes

"Q So that, simply by way of illustration, suppose that on January 1 1944 you require 50,000 workers for a given purpose, would you put in a requisition for 50,000 workers, knowing that in that 50,000 there would be forced foreign workers?

"A Yes.

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The Defendant Speer has also stated under oath that he knew at least as early as September of 1942 that workers from the Ukraine were being forcibly deported for labor into Germany. Likewise he knew that the great majority of the workers of the Western occupied countries were slave laborers forced against their will to come to Germany, and again referring to his interrogation on this 18th day of October, 1945, and beginning with the fourth paragraph from the bottom of page 5 of the English text, paragraph 10 on page 6 of the German text, we find this series of questions and answers:

"Q When did you first find out then that some of the manpower from the Ukraine was not coming voluntarily?

"A It is rather difficult to answer this here, that is to name a certain date to you. However, it is certain that I knew that at some particular point of time that the manpower from the Ukraine did not come voluntarily.

"Q And does that apply also to the manpower from other occupied countries, that is, did there come a time when you knew that they were not coming voluntarily?

"A Yes.

"Q When, in general, would you say that time was, without placing a particular month of the year?

"A As far as the Ukraine situation goes, I believe that they did not come voluntarily any more after a few months, because immense mistakes were made in their treatment by us. I should say offhand that this time was either in July, August or September of 1942.

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Turning to paragraph 11 on page 6 of the English text of this same interrogation, and page 7 and paragraph 8 of the German text, we find this series of questions and answers--and I am quoting:

"Q But many workers did come from the West, did they not, to Germany?

"A" Yes.

"Q That means, then, that the great majority of the workers that came from the Western countries, the Western occupied countries, came against their will to Germany?

"A Yes."

These admissions are borne out, of course, by other evidence, for, as Document R-124 shows, and as we have shown by the readings from it, in all countries conscription for work in Germany could be carried out only with the active assistance of the police, and that the prevailing methods of recruitment had provoked such violence that many German recruiting agents had been killed.

And again, at a meeting with Hitler to discuss the manpower requirements for 1944, which is reported in Document 1292-PS, Speer was informed by the Defendant Sauckel that the requirements--including Speer's requirement for 1,300,000 additional laborers--could be met only if German enforcement agents were furnished to carry out the enslavement program in the occupied countries.

Now we say that notwithstanding his knowledge that these workers were conscripted and deported to Germany against their will, Speer, nevertheless, continued to formulate requirements for the foreign workers and requested their allocation to these industries which were subject to his control. This is borne out by the minutes of the Central Planning Board, as contained in Document R-124, and particularly page 13, paragraph 4 of the English text; and that is page 6 and paragraph 4 of the German text.

Speer speaking:

"Now, the labor problem in Germany. I believe it is still possible

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to transfer some from the western territories. The Fuehrer stated only recently he wishes to dissolve these foreign volunteers as he had the impression that the army groups were carting around with them a lot of ballast. Therefore, if we cannot settle this matter ourselves, we shall have to call a meeting with the Fuehrer to clear up the coal situation. Keitel and Zeitzler will be invited to attend in order to determine the number of Russians from the rear army territories who can be sent to us. However, I see another possibility: We might organize another drive to screen out workers for the mines from the Russian Prisoners of War in the Reich. But this possibility is none too promising."

At another meeting of the Central Planning Board, the Defendant Speer rejected a suggestion that labor for industries under his control be furnished from German sources instead of from foreign sources. And again, in this document R-124, on page 16, paragraphs 3, 4, and 5 of the English text, and page 12, paragraphs 6 and 7 of the German text, I quote the Defendant Speer speaking:

"We do it that way: Kehrl collects the demands for labor necessary to complete the coal-and-iron-plan and communicates the numbers to Sauckel. Probably there will be a conference at the Reich Marshal's in the next week, and an answer from Sauckel should have arrived by then. The question of recruitment for the armaments industry will be solved together with Speer."

Kehrl speaking, quoting Kehrl:

"I wish to urge that the allotments to the mines should not be made dependent on the recruitment of men abroad. We were completely frustrated these last three months because this principle had been applied. We ended December with a deficit of 25,000 and we never get replacements. The number must be made up by men from Germany.

"Speer: No, nothing doing."

We say also that the Defendant Speer is guilty of advocating terror and brutality as a means of maximizing production by slave laborers.

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And again I refer to this Document R-124. At page 42 there is a discussion concerning the supply and exploitation of labor. That excerpt has been read to the Tribunal before, and I simply refer to it in passing. It is the excerpt wherein Speer said it would be a good thing--the effect of it was that nothing could be said against the SS and the police taking a hand and making these men work and produce more.

We say he is also guilty of compelling allied nationals and prisoners of war to engage in the production of armaments and munitions and in direct military operations against their own country.

We say that, as Chief of the Organization Todt, he is accountable for its policies, which were in direct conflict with the laws of war; for the Organization Todt, in violation of the laws or war, impressed allied nationals into its service.

Document L-191 is an International Labor Office study of the exploitation of foreign labor by Germany. We have only one copy of this document, being this International Labor Office study, printed at Montreal, Canada in 1945. We ask that the Tribunal take judicial notice of it as an official publication of the International Labor Office.

I might say to the Tribunal, with some apology, that this arrived at a time when we were not able to even have the excerpt mimeographed and printed up to place in your document book, so this is the one document which is missing from the document book which is in your hands.

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However, I should like to quote from page 73, paragraph 2, of this study by the International Labour Office. It is not long; it is very brief. I am quoting directly. It says:

"The methods used for the recruitment of foreign workers who were destined for employment in the Organization did not greatly differ from the methods used for the recruitment of foreigners for deportation to Germany."

The Organization, by the way, is the Organization Todt.

"The main difference was that, since the principal activities of the Organization lay outside the frontiers of Germany, foreigners were not transported to Germany, but had either to work in their own country or in some other occupied territory.

"In the recruitment drives for foreign workers for the Organization methods of compulsion as well as methods of persuasion were used, the latter usually with very little result."

Moreover, conscripted allied nationals were compelled by this same Organization to actually engage in operations of war against their country.

Document 407-PS, VIII, discloses that the foreign workers who were impressed into the Organization Todt, through the efforts of the Defendant Sauckel, did participate in the building of the Atlantic Wall fortifications.

As chief of German war production, this Defendant Speer sponsored and approved the use of these prisoners of war in the production of armaments and munitions. This has been made plain by the evidence already discussed.

To sum it up briefly, finally, we say that it shows first after Speer assumed the responsibility for the armament production, his concern, in his discussions with his co-conspirators, was to secure a larger allocation of prisoners of war for his armament factories. That has been shown by the quotations from the excertps of Document R-124, the minutes of the meeting of the Central Planning Board;

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and in this same meeting the Tribunal will recall that Speer complained because only 30 per cent of the Russian prisoners of war were engaged in the armaments industry.

We have referred to a speech of Speer, Document 1435-PS--we quoted from it--in which he said that 10,000 prisoners of war were put at the disposal of the armaments industry upon his orders.

And finally Speer advocated the returning of escaped prisoners of war to factories as convicts. That is shown again by Document R-124, page 13, paragraph 5 of the English text, where the Defendant Speer says that he has come to an arrangement--

THE PRESIDENT (interposing): Mr. Dodd, don't you think that we really have got this sufficiently now?

MR. DODD: Yes, Sir.

THE PRESIDENT: We have Speer's own admission and any number of documents which prove the way in which these prisoners of war, and other laborers, were brought into Germany.

MR. DODD: Well, I just wanted to refer briefly to that passage in that document R-124 as showing that this Defendant advocated having escaped prisoners of war returned to the munitions factories.

THE PRESIDENT: Did you say 124?

MR. DODD: Yes, 124.

THE PRESIDENT: What page?

MR. DODD: Thirteen. Well, I don't want to labor this responsibility of the Defendant Speer. I was anxious--or perhaps I should say we are all over-anxious--to have the documents in the record and before the Tribunal.

THE PRESIDENT: Which is the passage you want to refer to on page 13?

MR. DODD: I just referred in passing to the statement which begins with the words, "We have come to an arrangement with the Reichsfuehrer SS." And the next to the last sentence says: "The men should be put into the factories as convicts."

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Finally, with reference to the Defendant Speer, I should like to say to the Tribunal that he visited the concentration camp at Mauthaussen, and he also visited factories such as those conducted by the Krupp industries, where concentration camp labor was exploited under degrading conditions. Despite this first-hand knowledge of these conditions both in Mauthaussen and places where these forced laborers were at work in factories, he continued to direct the use of this type of labor in factories under his own jurisdiction.

THE PRESIDENT: How do you intend to prove it as to these concentration camps?

MR. DODD: I was going to refer the Tribunal to page 9 of the interrogation of the 18th of October, 1945, and I refer to page 11, paragraph 5 of the German text; and page 9, beginning with paragraph 9, of the English text:

"Q But, in general, the use of concentration camp labor was known to you and approved by you as a source of labor?

"A Yes.

"Q And you knew also, I take it, that among the inmates of the concentration camps there were both Germans and Foreigners?

"A I did'nt think about it at that time.

"Q As a matter of fact, you visited the Austrian concentration camp personally, did you not?

"A I did'nt— well, I was in Mauthaussen once, but at that time I was not told just to what categories the inmates of the concentration camps belonged,

"Q But in general everybody knew, did they not, that foreigners who were taken away by the Gestapo. or arrested by the Gestapo, as well as Germans, found their way into the concentrations camps?

"A Of course, yes. I did'nt mean to imply anything like that."

And on page 15 of this same interrogation, beginning with the

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13th paragraph of the English text, and page 20 in the German text, we find this question:

"Q Did you ever discuss, by the way, the requirements of Krupp for foreign labor?"

The answer is: "It is certain that it was reported to me"-

THE PRESIDENT (Interposing): What page is this?

MR DODD: Page 15.

THE PRESIDENT: Thank you.

MR.DODD: Beginning with paragraph 13.

THE PRESIDENT: Yes.

MR. DODD: "Did you ever discuss. by the way, the requirements of Krupp for foreign labor?

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"A It is certain that it was reported to me what lack Krupp had in foreign workers.

"Q Did you ever discuss it with any of the members of the Krupp first?

"A I cannot say that exactly, but during the time of my activities I visited the Krupp factory more than once and it is certain that this was discussed, that is, the lack of manpower."

Before closing, I should like to take two minutes of the time of the Tribunal to refer to what we consider to be some of the applicable law of the case for the assistance of the Tribunal in considering these documents which we have offered.

We refer, of course, first of all, to Sections 6 (b) and 6 (c) of the Charter of this Tribunal. We also say that the acts of the conspirators constituted a flagrant violation of Articles 46 and 52 of the Regulations annexed to the Hague Convention No. IV of 1907.

Article 46 seeks to safeguard the family honor, the rights and the lives of persons in areas under belligerent occupation.

Article 52 provides in part that: "Requisitions in kind and services shall not be demanded from municipalities or inhabitants except for the needs of the army of occupation. They shall be in proportion to the resources of the country".

We say that these conspirators violated this Article because the labor which they conscripted was not used to satisfy the needs of the army of occupation, but, on the contrary, was forcibly removed from the occupied areas and exploited in the interest of the German war effort.

Finally, we say that these conspirators, and particularly the Defendant Sauckel and Speer, by virtue of their planning, of their execution, and of their approval of this program which we have been describing yesterday and today, the enslavement and the misuse of the forced labor of prisoners of war--that for this they bear a special responsibility for their crimes against humanity and their war crimes.

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THE PRESIDENT: Are you finishing, Mr. Dodd?

MR. DODD: Yes, I have concluded.

THE PRESIDENT: I should like to ask you why you have'nt read Document 3057-PS, which is Sauckel's statement.

MR. DODD: Yes. We had intended to offer that document. Counsel for the Defendant Sauckel informed me a day or two ago that his client maintained that he had been coerced into making the statement. Because we had not ample time to ascertain the facts of the matter, we preferred to withold it, rather than to offer it to the Tribunal under any question of doubt.

THE PRESIDENT: He objects to it, and therefore, you haven't put it?

MR. DODD: No, we did not offer it while there was any question about it.

THE PRESIDENT: Very well.

MR. DODD: Might I suggest to the Tribunal that a recess be taken at this time? I am sorry to have to say that I am due to be before the Tribunal for a little while - that is, I am sorry for the Tribunal - with the matters on the concentration camps.

THE PRESIDENT: You mean a recess now?

MR. DODD: If Your Honor pleases.

THE PRESIDENT: Certainly, yes; ten minutes.

(Whereupon at 1120 hours a ten-minute recess was taken).

MR. DODD: May it please the Tribunal, we propose to offer additional evidence at this time concerning the use of Nazi concentration camps against the people of Germany and allied nationals. We propose to examine the purposes and the role of the concentration camp in the larger Nazi scheme of things. We propose to show that the concentration camp was one of the fundamental institutions of the Nazi regime, that it was a pillar of the system of terror by which the Nazis consolidated their power over Germany and imposed their ideology upon the German people; that it was really a primary weapon in the battle against the Jews, against the Christian Church, against Labor, against those who wanted peace, against opposition or non-conformity of any kind. We say it involved the syste-

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matic use of terror to achieve the cohesion within Germany which was necessary for the execution of the conspirators' plans for aggression.

We propose to show that a concentration camp was one of the principle instruments used by the conspirators for the commission on an enormous scale of crimes against humanity and war crimes; that it was the final link in a chain of terror and repression which involved the SS and the Gestapo and which resulted in the apprehension of victimes and their confinement, without trial, often without charges, generally with no indication of the length of their detention.

My colleagues will present full evidence concerning the criminal role of the SS and the Gestapo in this phase of Nazi terorism, the concentration camp, but at this point, I wish simply to point out that the SS, through its espionage system tracked down the victims, that the criminal police and the Gestapo seized them and brought them to the camps, and that the concentration camps were administered by the SS.

This Tribunal, we feel, is already aware of the sickening evidence of the brutality of the concentration camp from the showing of the moving picture. More than that, individual prosecutions are going on, going forward before other courts which will record these outrages in detail. Therefore, we do not propose to present a catalogue of individual brutalities, but, rather, to submit evidence showing the fundamental purposes for which the camps were used, the techniques of terror which were employed, the large number of victims and the death and the anguish which they caused.

The evidence relating to concentration camps has been assembled in a document book bearing the letter "S". I might say that the documents in this book have been arranged in the order of presentation, rather than, as we have been doing, numerically. In this book we have put them in as they occur in the presentation. One document in this book, 2309-PS, is cited several times, so we have marked it with a tab with a view to facilitating reference back to it. It will be referred to more than once.

The Nazis realized early that without the most drastic repression of actual and potential opposition, they could not consolidate

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their power over the German people. We have seen that immediately after Hitler became Chancellor, the conspirators promptly destroyed civil liberty by issuing the Presidential Emergency Decree of February 28, 1933. It is Document 1390 PS, and it sets forth that decree, which has already been introduced in evidence before this Tribunal and is included in USA Exhibit A. It was this decree which was the basis for the so-called "Shutzhaft", that is, protective custody--the terrible power to imprison people without judicial proceedings. This is made clear by document No. 2409-PS, which is a typical order for protective custody. We offer if for that purpose, as a typical order fo protective custody which has come into the possession of the Prosecution. It bears USA Exhibit No. 232. I should like to quote from the body of that order:

"Order of Protective Custody.

"Based on Article 1, of the Decree of the Reich President for the Protection of People and State of 28 February 1933 (Reichsgesetzblatt I, p. 83), you are taken into protective custody in the interest of public security and order.

"Reason: Suspicion of activities inimical toward the State."

Defendant Goering in a book entitled "Aufbau Einer Nation", published in 1934, sought to give the impression, it appears, that the camps were originally directed at those whom the Nazis considered Communists and Social Democrats. We refer to document 2324-PS, USA Exhibit 233. This document is an excerpt from page 89 of the German book. We refer to the third and fourth paragraphs of the document, which I read as follows:

"We had to deal ruthlessly with these enemies of the State. It must not be forgotten that at the moment of our seizure of power over 6 million people officially voted for Communism and about 8 million for Marxism in the Reichstag elections in March.

"Thus the Concentration Camps were created, to which we had to send first thousands of functionaries of the Communist and Social Democratic parties."

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In practical operations, the power to order confinement in these camps was almost without limit. The defendant Frick, in an order which he issued on the 25th day of January, 1938, as Minister of the Interior, made this quite clear. An extract from this order is set forth in Document 1723-PS, to which we make reference. It bears United States Exhibit No. 206. I wish to read Article 1, beginning at the bottom of page 5 of the English translation of this order:

"Protective custody can be decreed as a coercive measure of the Secret State Police against persons who endanger the secutiry of the people and the State through their attitude in order to counter all aspirations of enemies of the people and State."

I wish also to read into the record the first two paragraphs of this order, which are found at the top of Page 1 of the English translation:

"In a summary of all the previously issued decrees on the co-operation between the Party and the Gestapo I refer to the following and ordain:

"1. To the Gestapo has been entrusted the mission by the Fuehrer to watch over and to eliminate all enemies of the Party and the National Socialist State as well as all disintegrating forces of all kinds directed against both. The successful solution of this mission forms one of the most essential pre-requisites for the unhampered and frictionless work of the Party. The Gestapo, in their extremely difficul take, is to be granted support and assistance in every possible way by the NSDAP".

The conspirators then were directing their apparatus of terror against the "enemies of the State", against "disintegrating forces", against those people who endangered the State "with their attitude". Whom did they consider as belonging in these broad categories? Well, first, there were the men in Germany who wanted peace. We refer to Document L-83.

THE PRESIDENT: What was the date of that document that you have been referring to, Number 1723-PS?

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MR. DODD: January 25, 1938. Which has already been introduced and which is included in USA Exhibit A. This document consists of an affidavit of Gerhart H. Segar, and I wish only to read from Page 1, Paragraph 2 of that affidavit:

"2. During the period after World War One up until my commitment to the Leipzig jail and Oranienburg Concentration Camp in the Spring of 1933 following the Nazis accession to power in January of that year, my business and political affiliations exposed me to the full impact of the Nazi theories and practice of violent regimentation and terroristic tactics. My conflich with the Nazis by virtue of my identification with the peace movement, and as duly elected member of the Reichstag represent ing a political faith (Social Democratic Party) hostile to National Socialism, clearly demonstrated that, even in the period prior to 1933, the Nazis considered crimes and terrorism a necessary and desirable weapon in overcoming democratic opposition."

Passing to Page 5 of the same document, and the paragraph marked (e)

"That the Nazis had already conceived the device of the Concentrati Camp as a means of suppressing and regimenting opposition elements was forcefully brought to my attention during the course of a conversation which I had with Dr. Wilhelm Frick in December 1932. Frick at that time was Chairman of the Foreign Affairs Committee of the Reichstag of which I was a member. When I gave an emphatic answer to Frick concerning the particular matter discussed, he replied, 'Don't worry, when we are in power we shall put all of you guys into Concentration Camps'. When the Nazis came into power, Frick was appointed Reichsminister of Interior and promptly carried out his threat in collaboration with Goering, as Chief of the Prussian State Police, and Himmler."

This paragraph shows that even before the Nazis had seized power in Germany, they had conceived the plan to repress any potential opposition by terror and Frick's statement to Segar is completely consistent with an earlier statement which he made on the 18th of October 1929.

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We refer to document number 2513-PS, which has also been received in evidence and has been included in USA Exhibit A. We refer to the first page of the English translation, page 48 of the German text. On page one the quotation begins:

"This fateful struggle will first be taken up with the ballot, but this cannot continue indefinitely, for history has taught us that in a battle, blood must be shed, and iron broken. The ballot is the beginning of the fateful struggle. We are determined to promulgate by force that which we preach. Just as Mussolini exterminated the Marxists in Italy, so must we also succeed in accomplishing the same through dictatorship and terror."

THE PRESIDENT: This is the defendant, is it?

MR. DODD: Yes, the defendant Frick.

There are many additional cases of the use of the concentration camp against the men who wanted peace. There was, for example, a group called the Bibel Forscher; that is, Bible Research Workers, most of whom were known as Jehovah's Witnesses. They were pacifists, and so the conspirators provided not only for their prosecution in the regular courts, but also for their confinement in concentration camps after they had served the judicial sentences, and we refer to document number D-84, U.S.A. Exhibit No. 236.

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This document is dated the 5th day of August, 1937, and it is an order by the Secret State Police at Berlin, and I refer particularly to the first and last paragraphs of this order, as follows:

"The Reichsminister of Justice had informed me that he does not share the opinion voiced by subordinate departments on various occasions, according to which, the arrest of the Bibelforschers after they have served a sentence is supposed to jeopardize the authority of the Law Courts. He is fully aware of the necessity for measures by the State Police after the sentence has been served. He asks, however, not to bring the Bibelforschers into protective custody under circumstances detrimental to the respect of the Law Courts."

And then, the paragraph numbered (2):

"If information regarding the impending release of a Bibelforscher from arrest is received from the authorities carrying out the sentence, my decision regarding the ordering of measures by the State Police, will be asked for in accordance with my circular decree dated 22.4.37, so that transfer to a Concentration Camp can take place immediatly after the sentence has been served. Should a transfer into Concentration Camp immediatly after the serving of the sentence not be possible, Bibelforschers will be detained in police prisons."

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The labor unions, of which I think it is safe to say the majority are traditionally opposed to wars of aggression, also felt the full force of Nazi terror. A member of the American staff, Major Wallis, has already submitted evidence before this Tribunal concerning the conspirators' campaign against the trade unions. But the concentration camp was an important weapon in this campaign, and the Tribunal will recall that in Document No.2324-PS, to which I made reference this morning, the Defendant Goering made it plain that members of the Social Democratic Party were to be confined in concentration camps. Now, labor leaders were very largely members of that Party, and they soon learned the horrors of protective custody. We refer to Document No. 2330-PS, which has already been received as part of USA Exhibit A, which consists of an order that one Joseph Simon should be placed in protective custody. We refer to the middle of the first page of the English translation of that order, beginning with the material under the word "Reasons."

THE PRESIDENT: I think you should read the sentence before that -- the two lines before it. The words are: "The arrestee has no right to appeal against the decree of protective custody."

MR. DODD: "The arrestee has no right to appeal against the decree of protective custody." Then comes a title "Reasons":

"Simon was for many years a member of the Socialist Party and temporarily a member of the Union Socialists Populaire. From 1907 to 1918 he was Landtag deputy of the Socialist Party; from 1908 to 1930 Social Democratic City Counsellor (Stadrat) in Nurnberg. In view of the decisive role which Simon played in the international trade unions, and in regard to his connection with international Marxist leaders and central agencies, which he continued after the national recovery, he was placed under protective custody on the third day of May 1933, and was kept,until 25 January 1934, in the Dachau Concentration Camp. Simon is under the urgent suspicion that even after this date he played an active part in the illegal continuation

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of the Socialist Party. He took part in meetings which aimed at the illegal continuation of the Socialist Party and propagation of illegal Marxist printed matter in Germany. Through this radical attitude, which is hostile to the State, Simon directly endangers public security and order."

We do not wish to burden these proceedings with a multiplication of such instances, but I refer the Tribunal to documents which have already been offered in connection with the presentation of the evidence concerning the destruction of the trade unions. In particular, we wish to refer to Document No. 2334-PS and Document No. 2928-PS, both of which are included within USA Exhibit A.

Thousands of Jews, as the world so well knows, were, of course, confined in these concentration camps. The evidence on this point will be developed in a later presentation by another member of the prosecuting staff of the United States. But among the wealth of evidence available on this point, showing the confinement of Germans only because they were Jews, we wish to offer a Document, No. 3051-PS, which bears USA Exhibit No. 240. This is a copy of a teletype from SS Gruppenfuehrer Heydrich, and it is dated the 10th of November 1938. It was sent to all Headquarters of the State Police and all Districts and Sub-Districts of the SD. We refer to paragraph 5 of this teletype. Paragraph 5 is found on page 3 of the English translation. It begins at the bottom of page 2 and runs over to page 3. Quoting paragraph 5:

"Inasmuch as in the course of the events of this night the employment of officials used for this purpose would be possible, in all districts as many Jews, especially rich ones, are to be arrested as can be accommodated in the existing prisons. For the time being only healthy men not too old are to be arrested. Upon their arrest, the appropriate concentration camps should be contacted immediately, in order to confine them in these camps as fast as possible."

"Special care should be taken that the Jews arrested in accordance with these instructions are not mistreated."

Himmler in 1943 indicated that use of the concentration camp

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against the Jews had been motivated not simply by Nazi racialism. Himmler indicated that this policy had been motivated by a fear that the Jews might have been an obstacle to aggression. There is no necessity to consider whether this fear was justified. The important consideration is that the fear existed, and with reference to it we refer to Document 1919-PS, which bears USA Exhibit No. 170. The document is a speech delivered by Himmler at the meeting of the SS Major Generals at Posen on 4 October 1943, in the course of which he sought to justify the Nazi anti-Jewish policy. We refer to a portion of this document or this speech which is found on page 4, paragraph 3, of the English translation, starting with the words "I mean the clearing out of the Jews":

"I mean the clearing out of the Jews, the extermination of the Jewish race. It's one of those things it is easy to talk about - 'The Jewish race is being exterminated' , says one Party member, 'that's quite clear, it's in our program, elimination of the Jews, and we're doing it, exterminating them'. And then they come, 80 million worthy Germans, and each one has his decent Jew. Of course, the others are vermin, but this one is an A-1 Jew. Not one of all those who talk this way has witnessed it, not one of them has been through it. Most of you must know what it means when 100 corpses are lying side by side, or 500 or 1000. To have stuck it out and at the same time -- apart from exceptions caused by human weakness -- to have remained decent fellows, that is what has made us hard. This is a page of glory in our history which has never been written and is never to be written, for we know how difficult we should have made it for ourselves, if - with bombing raids, the burden and deprivations of war - we still had Jews today in every town as secret saboteurs, agitators and trouble-mongers."

It is clear, we say, from the foregoing that prior to the launching of the Nazi aggression, the concentration camp had been one of the principal weapons by which the conspirators achieved the social cohesion which was needed for the execution of their plans for aggression.

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After they launched this aggression and their armies swept over Europe, they brought the concentration camp to occupied countries, and they also brought the citizens of the occupied countries to Germany and subjected them to the whole apparatus of Nazi brutality.

Document No. R-91 is USA Exhibit No. 241. This document consists of a communication dated the 16th day of December 1942, sent by Mueller, M-U-E-L-L-E-R, to Himmler, for the Chief of the Security Police and SD, and deals with the seizure of Polish Jews for deportation to concentration camps in Germany. I am beginning with the first paragraph. It says, quoting directly:

"In connection with the increase in the transfer of labor to the concentration camps, ordered to be completed by 30 January 1943, the following procedure may be applied in the Jewish section.

"1. Total number: 45,000 Jews.

"2. Start of transportation: 11 January 1943.

End of transportation: 31 January 1943. The Reich railroads are unable to provide special trains for the evacuation during the period from 15 December 1942 to 10 January 1943, because of the increased traffic of armed forces leave trains.

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"3. Composition: The 45,000 Jews are to consist of 30,000 Jews from the district of Byalystock. 10,000 Jews from the Ghetto Theresienstadt, 5,000 of whom are Jews fit for work who heretofore had been used for smaller jobs required for the Ghetto, and 5,000 Jews who are generally incapable of working, also over 60-year old Jews."

And passing the next sentence:

"As heretofore only such Jews would be taken for the evacuation who do not have any particular connections and who are not in possession of any high decorations. 3,000 Jews from the occupied Dutch territories, 2,000 Jews from Berlin -- 45,000. The figure of 45,000 includes the invalid (old Jews and children). By use of a practical standard, the screening of the arriving Jews in Auschwitz should yield at least 10,000 to 15,000 people fit for work."

The Jews of Hungary suffered the same tragic fate. Between 19 March 1944 and the 1st of August 1944 more than 400,000 Hungarian Jews were rounded up. Many of these were put in wagons and sent to extermination camps, and we refer to Document No. 2605-PS, USA Exhibit No. 242. This document is an affidavit made in London by Dr. Rudolph Kastner, a former official of the Hungarian Zionist Organization. We refer to page 3 of the document, the third full paragraph:

"19 March 1944" -- quoting -- "Together with the German Military occupation arrived in Budapest a 'Special Section Commando' of the German Secret Police with the sole object of liquidating the Hungarian Jews. It was headed by Adolf Aichmann, SS Obersturmbannfuehrer, Chief of Section IV.B of the Reich Security Head Office. His immediate collaborators were: SS Obersturmbannfuehrer Hermann Krumey, Hauptsturmfuehrer Wisliczeny, Hunsche, Novak, Dr. Seidl, and later Danegger, Wrtok. They arrested and later deported to Nauthausen, all the leaders of Jewish political and business life and journalists, together with the Hungarian democratic and anti-Fascist politians, taking advantage of the 'interregnum' following upon the German occupation lasting four days, they have placed their Quislings into

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the Ministry of the Interior."

On page 7 of that same document, the 8th paragraph, beginning with the words "Commanders of the death camps", and quoting:

"Commanders of the death camps gassed only on direct or indirect instructions of Aichmann. The particular officer of IV.B. who directed the deportations from some particular country had the authority to indicate whether the train should go to a death camp or not, and what should happen to the passengers. The instructions were usually carried by the SS-NCO escorting the train. The letters "A" or "M" -- capital letters "A" or "M" -- "on the escorting instruction documents indicated Auschwitz or Majdanek; it meant that the passengers were to be gassed."

And passing over the next sentence, we come to these words:

"Regarding Hungarian Jews the following general ruling was laid down in Auschwitz: children up to the age of 12 or 14, older people over 50, as well as the sick, or people with criminal records, who were transported in specially marked wagons, were taken immediately on their arrival to the gas chambers.

"The others passed before an SS doctor who, on sight, indicated who was fit for work and who was not. Those unfit were sent to the gas chambers, while the others were distributed in various labor camps."

In the so-called "Eastern territories" these victims were apprehended for extermination . . .

THE PRESIDENT: Mr. Dodd, don't you want page 5 for the numbers which you have stated--27th of June, up to the 27th of June 1944? You haven't given us any authority for the numbers that you have stated.

MR. DODD: Oh, yes. On page 5 of that same document, 2605-PS, quoting: "Up to the 27th of June, 1944, 475,000 Jews were deported."

In the so-called "Eastern territories", these victims were apprehended for extermination in concentration camps without any charges having been placed against them. In the Western occupied territories, charges seemed to have been made against some of the victims. Some of the charges which

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the Nazi conspirators considered sufficient basis for confinement to the concentration camps are shown by reference to Document No. L-215, which bears USA Exhibit 243. This document is the summary of the file, the dossier, of twenty-five persons arrested in Luxembourg for commitment to various concentration camps, and sets forth the charges made against each person. Beginning with the paragraph after the name "Henricy", at the bottom of the first page, and quoting:

The name: "Henricy.

"Charge: By associating with members of illegal resistance movements and making money for them, violating legal foreign exchange rates, by harming the interests of the Reich and being expected in the future to disobey official administrative regulations and act as an enemy of the Reich.

"Place of confinement: Natsweiler."

Next comes the name of "Krier"; and the charge:

"By being responsible for advanced sabotage of labor and causing fear because of his political and criminal past. Freedom would only further his anti-social urge.

"Place of confinement: Buchenwald."

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Passing to the middle of page 2, after the name "MONTI," "Charge: By being strongly suspected of aiding desertion. Sachsenhausen, place of confinement."

Next, after the name "Junker," "Charge: Because as a relative of a deserter he is expected to endanger the interests of the German Reich if allowed to go free. Place of confinement, again, Sachsenhausen."

"JAEGER" is the next name and the charge against Jaeger, quoting, "Because as a relative of a deserter he is expected to take advantage of every occasion to harm the German Reich. Place of confinement, Sachsenhausen.

And down to the name "LUDWIG," "For being strongly suspected of aiding desertion. Place of confinement, Dachau."

Not only were civilians of the occupied countries but also prisoners of war were subjected to the horrors and the brutality of the concentration camps; and we refer to Document No. 1165 PS, which bears USA Exhibit No. 244. This document is a memorandum to all officers of the State Police, signed by Mueller, the Chief of the Gestapo, dated the 9th of November, 1941. The memorandum has the revealing title of, and I quote, "Transportation of Russian Prisoners of War, Destined for Execution, into the Concentration Camps."

I wish to quote also from the body of this memorandum which is found on page 2 of the English translation and I quote directly:

"The commandants of the concentration camps are complaining that 5 to 10% of the Soviet Russians destined for execution are arriving in the camps dead or half dead. Therefore the impression has arisen that the Stalags are getting rid of such prisoners in this way.

"It was particularly noted that, when marching, for example, from the railroad station to the camp, a rather large number of PWs collapsed on the way from exhaustion, either dead or half dead, and had to be picked up by a truck following the convoy.

"It cannot be prevented that the German people take notice of these occurrences.

"Even if the transportation to the camps is generally taken care

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of by the Wehrmacht, the population will attribute this situation to the SS.

"In order to prevent, if possible, similar occurrences in the future, I therefore order that, effective from today on, Soviet Russians, declared definitely suspect and obviously marked by death (for example with typhus) and who therefore would not be able to withstand the exertions of even a short march on foot, shall in the future, as a matter of basic principle, be excluded from the transport into the concentration camps for execution."

More evidence of the confinement of Russian prisoners of war in concentration camps is found in an official report of the Flossenburg concentration camp by the Headquarters of the United States Third Army, the Judge Advocate Section, and particularly the War Crimes Branch, under date of the 21st day of June, 1945. It is our Document No. 2309-PS and bears USA Exhibit No. 245. At the bottom of page 2 of the English text, the last two sentences of that last paragraph say, and I quote:

"In 1941 an additional stockade was added at the FLOSSENBURG CAMP, to hold 2,000 Russian prisoners. From these 2,000 prisoners only 102 survived."

Soviet prisoners of war found their allies in the concentration camps, too; and at page 4 of this same Document No. 2309-PS, it will show, particularly paragraph 5, on page 4, and I quote it:

"The victims of FLOSSENBURG included among the Russian, civilians and prisoners of war, German nationals, Italians, Belgians, Poles, Czechs, Hungarians, British and American prisoners of war. No practical means was available to complete a list of victims of this camp, however, since the foundation of the Camp in 1938 until the day of liberation it is estimated that more than 29,000 inmates died."

Escaped prisoners of war were sent to concentration camps by the conspirators, and these camps were especially set up as extermination centers, and we refer to Document No. 1650-PS, bearing USA Exhibit No.246. This document is a communication from the Secret State Police of Cologne

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and it is dated the 4th day of March, 1944. At the very top of the English text it says "To be transmitted in secret--to be handled as a secret Government matter."

In the third paragraph, quoting: "Concerning measures to be taken against captured escaped prisoners of war who are officers or non-working non-commissioned officers, except British and American prisoners of war. The Supreme Command of the Army has ordered as follows:"

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"1. Every captured escaped prisoner of war who is an officer or a non-working non-commissioned officer, except British and American prisoners of war, is to be turned over to the Chief of the Security Police and of the Security Service under the classification 'Stop III' regardless of whether the escape occurred during a transport, whether it was a mass escape or an individual one.

"2. Since the transfer of the prisoners of war to the security police and security service may not become officially known to the outside under any circumstances other prisoners of war may by no means be informed of the capture. The captured prisoners are to be reported to the Army Information Bureau as 'escaped and not captured'. Their mail is to be handled accordingly. Inquiries of representatives of the Protective Power of the International Red Cross and of other aid societies will be given the same answer."

The same communication carried a copy of an order of SS General Mueller, acting for the Chief of the Security Police and SD, directing the Gestapo to transport escaped prisoners directly to Mauthausen; and I quote the first two paragraphs of Mueller's order, which begin on the bottom of page 1 and run over to page 2 of the English text. Quoting:

"The State Police Directorates will accept the captured escaped officer prisoners of war from the prisoner of war camp commandants and will transport them to the Concentration Camp Mauthausen following the procedure previously used, unless the circumstances render a special transport imperative. The prisoners of war are to be put in irons on the transport - not on the station if it is subject to view by the public. The camp commandant at Mauthausen is to be notified that the transfer occurs within the scope of the action 'Kugel'. The State Police Directorates will submit semi-yearly reports on these transfers giving merely the figures, the first report being due on 5 July 1944. (Sharp)."

Passing the next three sentences, we come to this line:

"For the sake of secrecy, the Supreme Command of the Armed Forces has been requested to inform the Prisoner of war camps to turn the captured

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prisoners over to the local State. Police Office and not to send them directly to Mauthausen."

It is no coincidence that the literal translation for the German word 'Kugel' is the English word "bullet," since Mauthausen, where the escaped prisoners were sent, was an extermination center.

Nazi conquest was marked by the establishment of concentration camps over all of Europe. In this connection, we refer to Document No. R-129. It is a report on the location of concentration camps, signed by Pohl, who was an SS General, who was in charge of concentration camp labor policies. Document No. R-129, bears our U.S.A. Exhibit No 217.

I wish to refer particularly to Section 1, paragraphs numbered 1 and 2 of this document, which are found on page 1 of the English translation. It is addressed to the Reichsfuehrer SS and bears the stamp "Secret." Reichsfuehrer: Today I report about the present situation of the concentration camps and about measures I have taken in order to carry out your order of the 3rd March 1942:

"1. At the outbreak of war there existed the following concentration camps:

a. Dachau - 1939, 4,000 prisoners; today 8,000.

b. Sachsenhausen - 1939, 6,500 prisoners; today 10,000.

c. Buchenwald - 1939, 5,300 prisoners; today 9,000.

d. Mauthausen - 1939, 1,500 prisoners; today 5,500.

e. Flossenburg - 1939, 1,600 prisoners; today 4,700.

f. Ravensbruck - 1939, 2,500 prisoners; today 7,500."

And then it goes on to say in paragraph number 2: quoting: "In the years 1940 to 1942 nine further camps were erected:

a. Auschwitz

b. Neuengamme.

c. Guson.

d. Natzweiler.

e. Gross-Rosen.

f. Lublin.

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g. Niederhagen.

h. Stutthof.

i. Arbeitsdorf."

In addition to the camps in the occupied territory mentioned in this Document R-129, from which I have just read these names and figures, there were many, many others. I refer to the official report by the United States Third Army Headquarters, to which we have already made reference, Document No. 2309-PS, on page 2 in the English text, Section IV, paragraph 4, Quoting:

"Concentration Camp Flossenburg was founded in 1938 as a camp for political prisoners. Construction was commenced on the camp in 1938 and it was not until April 1940 that the first transport of prisoners was received. From this time on prisoners began to flow steadily into the camp. (Exh. D-1). Flossenburg was the mother camp and under its direct control and jurisdiction were 47 satellite camps or outer-commandos for male prisoners and 27 camps for female workers. To these outer-commandos were supplied the necessary prisoners for the various work projects undertaken.

"Of all these outer-commandos Horsbruck and Leitmeritz (in Czechoslovakia) Oberstaubling, Mülsen and Sall, located on the Danube, were considered to be the worst."

I do not wish to take the time of this Tribunal to discuss each of the Nazi concentration camps which dotted the map of Europe. We feel that the widespread use of these camps is commonly known and notorious. We do, however, wish to invite the Tribunal's attention to a chart which we have had prepared. The solid black line marks the boundary of Germany after the Anschluss, and we call to the Tribunal's attention the fact that the majority of the camps shown on the chart are located within the territorial limits of Germany itself. They are the red spots, of course, on the map. In the center of Germany there is the Buchenwald camp located near the city of Weimar, and at the extreme bottom of the chart there is Dachau, several miles outside of Munich. At the top of the chart are Neuengamma and Bergen-Belsen, located near Hamburg. To the left is the Niederhagen

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camp in the Ruhr Valley. In the upper right there are a number of camps near Berlin, one named Sachsenhausen (formerly Orianenburg, which was one of the first camps established

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after the Nazis came into power). Near to that is the camp of Ravensbruck which was used exclusively for women. Some of the most notorious camps were located indeed outside of Germany. Mauthausen was in Austria. In Poland was the infamous Auschwitz; and to the left of the chart is a camp called Hertogenbosch and this one was located in Holland, as the chart shows; and below it is Natzweiler, located in France.

The camps were established in networks, and it may be observed that surrounding each of the major camps - the larger red dots - is a group of satellite camps, and the names of the principal camps, the most notorious camps, at least, are above the map and below it on the chart; and those names, for most people, symbolize the Nazi system of concentration camps as they have become known to the world since May or a little later in 1945.

I should like to direct our attention briefly to the treatment which was meted out in these camps. The motion picture to which I have made reference a short time ago and which was shown to the members of this High Tribunal, has disclosed the terrible and savage treatment which was inflicted upon these Allied nationals, prisoners of war and other victims of Nazi terror. Because the moving picture has so well shown the situation as of the time of its taking at least, I shall confine myself to a very brief discussion of the subject.

The conditions which existed inside these camps were, of course, we say, directly related to the objectives which these Nazi conspirators sort to achieve outside of the camps through their employment of terror.

It is truly remarkable, it seems to us, how easily the words "Concentration camps" rolled off the lips of these men. How simple all problems became when they could turn to the terror institution of the concentration camps. I refer to Document No. R-124, which is already before the Tribunal as U.S.A. Exhibit 179. It is again that document covering the minutes of the Central Planning Committee on which the Defendant Speer sat, and where the high strategy of the high Nazi armament production was formulated. I do not intend to read from

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the document again, because I read from it this morning, to illustrate another point, but the Tribunal will recall that it was at this meeting that the Defendant Speer and others were discussing the so-called slackers, and the conversation had to do with having drastic steps taken against these workers who were not putting out sufficient work to please their masters. Speer suggested that "there is nothing to be said against the SS and Police taking steps and putting those known as slackers into concentration camps", and he used the words "concentration camps". And he said "Let it happen several times and the news will soon get around."

Words spoken in this fashion, we say, sealed the fate of many victims. As for getting the news around, as suggested by the Defendant Speer, this was not left to chance, as we shall presently show.

The deterrent effect of the concentration camps upon the public was a carefully planned thing. To heighten the atmosphere of terror, these camps were shrouded in secrecy. What went on in the barbed wire enclosures was a matter of fearful conjecture in Germany and countries under Nazi control; and this was the policy from the very beginning, when the Nazis first came into power and set up this system of concentration camps. We refer now to Document No. 778-PS, which bears U.S.A. Exhibit No.247. This document is an order issued on the 1st of October 1933, by the camp commander of Dachau. The document prescribed a program of floggings, solitary confinement and executions for the inmates for infractions of the rules.

Among the rules were those prescribing a rigid censorship concerning conditions within the camp; and I refer to the first page of the English text, paragraph numbered Article 11, and quoting:

"By virtue of the law on revolutionaries, the following offenders, considered as agitators, will be hung. Anyone who, for the purpose of agitating, does the following in the camp, at work, in the quarters, in the kitchens and workshops, toilets and places of rest; politicizes, holds inciting speeches and meetings, forms cliques, loiters around with

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others; who for the purpose of supplying the propaganda of the opposition with atrocity stories, collects true or false information about the concentration camp and its institution; receives such information, buries it, talks about it to others, smuggles it out of the camp into hands of foreign

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visitors or others by means of clandestine or other methods, passes it on in writing or orally to released prisoners or prisoners who are placed above them, conceals it in clothing or other articles, throws stones and other objects over the camp wall containing such information; or produces sacred documents; who, for the purpose of agitating, climbs on barracks' roofs and trees, seeks contact with the outside by giving light or other signals, or induces others to escape or commit a crime, gives them advices to that effect or supports such undertakings in any way whatsoever."

The censorship about the camps themselves was complemented by an officially inspired rumor campaign outside the camps. Concentration camps were spoken of in whispers, and the whispers were spread by agents of the secret police. When the Defendant Speer said that if the threatening of the concentration camp were used the news would get around soon enough, he knew whereof he spoke.

We refer to Document 1531-PS. With reference to this document, I wish to submit a word of explanation. The original German text, the original German document, the captured document was here in the Document Room and was translated into English as our translation shows. Yesterday, we were advised that it has either been lost or misplaced, the original German text, and unfortunately no photostatic copy was available here in Nurnberg. A certified copy is, however, being sent to the office here from Frankfurt and it is on its way today, and I ask the Tribunal's permission to offer the English translation of the German original, which is certified to be accurate by the translater, into evidence, subject to a motion to strike it if the certified copy of the original German document does not arrive.

Now, I refer to the Document No. 1531-PS. It bears our USA Exhibit No. 248. This document is marked "Top Secret," and it is addressed to all State Police, District Offices, and to the Gestapo Office, and for the Inspectors of the Security Police and the SD. It is an order relating to concentration camps, issued by the head of the Gestapo, and I read from the English text, beginning with the second paragraph, and quoting directly:

"In order to achieve a further deterrent effect, the following must,

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in future, be observed in each individual case.

"3. The length of the period of custody must in no case be made known, even if the Reichsfuehrer SS and Chief of the German Police or the Chief of the Security Police and the SD has already fixed it.

"The term of commitment to a concentration camp is to be openly announced as 'until further notice'.

"In most serious cases, there is no objection to the increasing of the deterrent effect by the spreading of cleverly carried out rumor propaganda, more or less to the effect that, according to hearsay, in view of the seriousness of his case, the arrested man will not be released for 2 or 3 years.

"4. In certain cases, the Reichsfuehrer SS and Chief of the German Police will order flogging in addition to detention in a concentration camp. Orders of this kind will, in future, also be transmitted to the State Police District Office concerned. In this case, too, there is no objection to spreading the rumor of this increased punishment as laid down in Section 3, paragraph 3, in so far as this appears suitable, to add to the deterrent effect.

"5. Naturally, particularly suitable and reliable people are to be chosen for the spreading of such news."

THE PRESIDENT: Mr. Dodd, the Tribunal think that they will take judicial notice of that United States Document No. 2309, and for the convenience of the Defence Counsel, the Tribunal having sat until one will not sit again until two-fifteen.

MR. DODD: Very well, your Honor.

(Whereupon, at 1305 hours the hearing of the Tribunal recessed to reconvene at 1415 hours.)

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Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nürnberg, Germany, on 13 December 1945, 1400-1430, Lord Justice Lawrence presiding.

MR. THOMAS DODD: May it please the Tribunal, the deterrent effect of the concentration camps was based on the promise of brutal treatment. Once in the custody of the SS guards, the victim was beaten, tortured, starved, and often murdered through the so-called "extermination through work" program which I described the other day, or through the mass execution gas chambers and furnaces of the camps, which were shown several days ago on the moving picture screen in this court room.

The reports of official government investigations furnish additional evidence of the conditions within the concentration camps.

Document 2309-PS, which has already been referred to and of which the Tribunal has taken judicial notice, I now refer to again, particularly to the second page of the English text, beginning with the third sentence of the second paragraph:

"The work at these camps mainly consisted of underground labor, the purpose being the construction of large underground factories, storage rooms, etc. This labor was performed completely underground and as a result of the brutal treatment, working and living conditions, a daily average of 100 prisoners died. To the one camp OBERSTAUBLING, 700 prisoners were transported in February 1945, and on the 15th of April 1945 only 405 of these men were living. During the 12 months preceding the liberation, FLOSSENBURG and the branch camps under its control accounted for the death of 14,739 male inmates and 1,300 women. These figures represent the deaths as were obtained from the available records in the camp. However, they are in no way complete, as many secret mass executions and deaths took place. In 1941 an additional stockade was added at the FLOSSENBURG CAMP, to hold 2,000 Russian

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prisoners. From these 2,000 prisoners only 102 survived.

FLOSSENBURG CONCENTRATION CAMP can best be described as a factory dealing in death. Although this camp had in view the primary object of putting to work the mass slave labor, another of its primary objectives was the elimination of human lives by the methods employed in handling the prisoners.

"Hunger and starvation rations, sadism, housing facilities, inadequate clothing, medical neglect, disease, beatings, hangings, freezing, forced hand hanging, forced suicides, shooting, all played a major role in obtaining their objective. Prisoners were murdered at random, spite killings against Jews were common. Injections of poison and shooting in the neck were everyday occurrences. Epidemics of typhus and spotted fever were permitted to run rampant as a means of eliminating prisoners. Life in this camp meant nothing. Killing became a common thing, so common that a quick death was welcomed by the unfortunate ones."

Passing to the next to the last sentence of this same paragraph, quoting directly:

THE PRESIDENT (interposing): What are those exhibits that are referred to?

MR. DODD: They are in evidence with the affidavit. They are attached to it.

THE PRESIDENT: They are not, I suppose, mimeographed in our copy?

MR. DODD: No, we haven't had an opportunity to mimeograph each one of them.

THE PRESIDENT: Are they documents or photographs or what?

MR. DODD: They are principally documents. There are some few plans and photographs, and so on.

THE PRESIDENT: Are they affidavits or what?

MR. DODD: Some of them are in the form of affidavits taken at the time of the liberation of the camp from prisoners who were there, and others are pictures of writings that were found there and of the plans,

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and so on--that sort of thing.

THE PRESIDENT: Yes. The Tribunal will take judicial notice of those exhibits as well.

MR. DODD: Very well, Your Honor.

Reading from the last sentence of this same paragraph on the same page, quoting:

"On Christmas 1944 a number of prisoners were hung at one time. The prisoners were forced to view this hanging. By the side of the gallows was a decorated Christmas tree, and as expressed by one prisoner, 'It was a terrible sight, that combination of prisoners hanging in the air and the glistening Christmas tree.' "

In March or April thirteen American or British parachutists were hanged. They had been delivered to this camp sometime before and had been captured while trying to blow up bridges.

I will not burden the Tribunal with a recital of all of these reports. I wish however, to make reference to the Concentration Camp MAUTHAUSEN, one of the most notorious extermination centers. I refer to document No. 2176-PS, which I have already placed in evidence as U.S.A. Exhibit No. 249. This is also an official report of the office of the Judge Advocate General of the Third United States Army, dated 17 June 1945. I read from the conclusions on page 3 of the English text, at paragraph numbered Roman V, beginning with the second sentence as follows:

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"V. CONCLUSIONS:

There is no doubt that MAUTHAUSEN was the basis for long-term planning. It was constructed as a gigantic stone fortress on top of a mountain flanked by small barracks. MAUTHAUSEN, in addition to its permanency of construction, had facilities for a large garrison of officers and men, and had large dining rooms and toilet facilities for the staff. It was conducted with the sole purpose in mind of exterminating any so-called prisoner who entered within its walls. The so-called branches of MAUTHAUSEN were under direct command of the SS officials located there. All records, orders, and administrative facilities were handled for these branches through MAUTHAUSEN. The other camps, including GUSEN and EBENSEE, its two most notorious and largest branches, were not exclusively used for extermination but prisoners were used as tools in construction and production until they were beaten or starved into uselessness, whereupon they were customarily sent to MAUTHAUSEN for final disposal."

Both in the showing of the moving picture and from these careful reports, which were made by the Third Army of the United States and other arrivals at those centers, we say it is clear that the conditions in those concentration camps over Germany, and in a few instances outside of the actual borders of the Old Reich, followed the same general pattern. The wide-spread incidence of these conditions makes it clear that they were not the result of sporadic excesses on the part of individual jailers, but were the result of policies deliberately imposed from above. The crimes committed in these camps were on so vast a scale that individual atrocities pale into insignificance.

We have had turned over to us two exhibits which we are prepared to show to this Tribunal only because they illustrate the depths to which the administration of these camps had sunk shortly before, at least, the time they were liberated by the Allied Army. The Tribunal will recall that in the showing of the moving picture, with respect to one of the camps, there was a showing of sections of human skin taken from human bodies in the Buchenwald Concentration Camp and preserved as ornaments. They were selected, these

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particular hapless victims, because of the tattooing which appeared on the skin. This exhibit, which we have here, is U.S.A. Exhibit 252. Attached to the exhibit is an extract of an official U.S. Army report describing the circumstances under which this exhibit was obtained, and that extract is set forth in Document 3420-PS, which I refer to in part. It is entitled:

"Mobile Field Interrogation Unit No. 2.

"PW Intelligence Bulletin.

"13. Concentration Camp, Buchenwald.

"Preamble. The author of this account is PW Andreas Pfaffenberger, 1 Coy, 9 Landesschuetzen Bn. 43 years old and of limited education. He is a butcher by trade. The substantial agreement of the details of his story with those found in PWIS (H)/LF/736 established the validity of his testimony. PW has not been questioned on statements which, in the light of what is known, are apparently erroneous in certain details, nor has any effort been made to alter the subjective character of the PW's account, which he wrote without being told anything of the intelligence already known. Results of interrogation on personalities at Buchenwald have already been published (PWIB No. 2/12, item 31).

"In 1939 all prisoners with tattooing on them were ordered to report to the dispensary."

THE PRESIDENT: Is this what Pfaffenberger said?

MR. DODD: Yes, sir. "No one knew what the purpose was, but after the tattooed prisoners had been examined the ones with the best and most artistic specimens were kept in the dispensary and then killed by injections administered by Karl Beigs, a criminal prisoner. The corpses were then turned over to the pathological department where the desired pieces of tattooed skin were detached from the bodies and treated. The finished products were turned over to SS Standartenfuehrer Koch's wife, who had them fashioned into lamp shades and other ornamental household articles. I myself saw such tattooed skins with various designs and legends on them, such as 'Hans'l and Gret'l,' which one prisoner had on his knee, and ships from prisoners' chests. This work was done by a prisoner named Wernerbach."

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I also refer to Document 3421-PS, which bears U.S.A. Exhibit 253.

"I, George C. Demas, Lieutenant, USNR., associated with the United States Chief of Counsel for the Prosecution of Axis Criminality, hereby certify that the attached exhibit, consisting of parchment, was delivered by the War Crimes Section, Judge Advocate General, U. S. Army, to me in my above capacity, in the usual course of official business, as an exhibit found in Buchenwald Camp and captured by military forces under the command of the Supreme Commander, Allied Expeditionary Forces."

And the last paragraph of Document 3423-PS is a conclusion reached in a United States Army report, and I quote it:

"Based on the findings in paragraph two, all three specimens are tattooed human skin."

This document is also attached to the exhibit on the board. We do not wish to dwell on this pathological phase of the Nazi culture, but we do feel compelled to offer one additional exhibit which we offer as U.S.A. Exhibit No. 254. This exhibit, which is on the table, is a human head with the skull removed, shrunken, stuffed, and preserved. The Nazis had one of their many victims decapitated, after having had him hanged apparently for fraternizing with a German woman, and fashioned this terrible ornament from his head.

The last paragraph of the official United States Army report from which I have just read deals with the manner in which this exhibit was acquired. It reads as follows:

"There I also saw the shrunken heads of two young Poles who had been hanged for having relations with German girls. The heads were the size of a fist, and the hair and the marks of the rope were still there."

Another certificate by Lt. Demas, set forth in Document 3422-PS. It is similar to the one which I have read a few minutes ago with relationship to the human skin, excepting that it applies to this second exhibit. We have no accurate estimate of how many persons died in these concentration camps and perhaps none will ever be made, but as the evidence already introduced before this Tribunal indicates, the Nazi conspirators were generally meticulous record keepers. But the records which they kept about concen-

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tration camps appear to have been quite incomplete. Perhaps the character of the records resulted from the indifference which the Nazis felt for the lives of their victims. But occasionally we find a death book or a set of index cards. For the most part, nevertheless, the victims apparently faded into an unrecorded death. Reference to a set of death books suggests at once the scale of the concentration-camp operations, and we refer now and offer Document No. 493-PS as U.S.A. Exhibit 251. This exhibit is a set of seven books, the death ledger of the Mauthausen Concentration Camp. Each book has on its cover the word "Totenbuch" or Death Book--Mauthausen.

In these books were recorded the names of some of the inmates who died or were murdered in this camp, and the books cover the period from January of 1939 to April of 1945. They give the name, the place of birth, the assigned cause of death, and time of death of each individual recorded. In addition each corpse is assigned a

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serial number, and adding up the total serial numbers for the five-year period one arrives at the figure of 35,318.

An examination of the books is very revealing insofar as the camp's routine of death is concerned, and I invite the attention of the Tribunal to Volume 5 from pages 568 to 582; a photostatic copy of which has been passed to the Tribunal. These pages cover death entries made for the 19th day of March 1945, between fifteen minutes past one in the morning until two o'clock in the afternoon. In this space of twelve and three-quarter hours, on these records, 203 persons are reported as having died. They were assigned serial numbers running from 8390 to 8593. The names of the dead are listed. And interestingly enough the victimes are all recorded of having died of the same ailment - heart trouble. They died at brief intervals. They died in alphabetical order. The first who died was a man named Ackermann, who died at one fifteen a.m. and the last was a man named Zynger, who died at two o'clock in the afternoon.

At twenty minutes past two o'clock of that same afternoon, according to these records, on the 19th of March 1945 the fatal roll-call began again and continued until half past four o'clock. In a space of two hours seventy-five more persons died, and once again they died all from heart failure and in alphabetical order. We find the entries recorded in the same volume, from pages 582 through 586.

There was another death book found at Camp Mauthausen. It is our Document No. 495-PS and bears U.S.A. Exhibit No. 250. This is a single volume, and again has on its cover the words, "Death Book - Prisoners of War." I invite the attention of the Tribunal in particular to pages 234 through 246. Here the entries record the names of 208 prisoners of war, apparently Russians, who at fifteen minutes past midnight on the 10th day of May 1942 were executed at the same time. The book notes that the execution was directed by the chief of the SD and the SIPO, at that time Heydrick.

It was called to my attention as late asthis morning a publication of a New York newspaper published in the United States, part of which is made up of three or more pages consisting of advertisements from the

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families, the relatives, of people who once resided in Germany or in Europe, asking for some advice about them. Most of the advertisements refer to one of these concentration camps or another. The paper is called, "Der Aufbau." It is a German-language newspaper in New York City, published on the 23rd day - this particular issue on the 23rd day of November 1945. I do not propose to burden the record of this Tribunal with the list of the names of all of these unfortunate individuals, but we refer to it as a publication in the City of New York, a German-language newspaper of recent date, which illustrates the horrible extent of this terrible tragedy, which has affected so many people as a result of this concentration-camp institution. We feel that no argument, no particular argument, is necessary to support our statements that the Nazi conspirators used these concentration camps and the related instruments of terror in them to commit crimes against humanity and to commit war crimes.

More about concentration camps will of necessity be involved in the presentation concerning the persecution of the Jews. This concludes our presentation with respect to the concentration camp as a specific entity of proof.

THE PRESIDENT: Mr. Dodd, speaking for myself, I should like to know what these headings mean.

MR. DODD: Yes; I have them here.

THE PRESIDENT: Exhibit 495-PS.

MR. DODD: Yes; Exhibit 495-PS. Column one is the serial number assigned to the prisoners in the order of their deaths.

THE PRESIDENT: Yes.

MR. DODD: Column two, prisoner of war serial number. Column three is the last name, Column four is the first name.

THE PRESIDENT: Yes.

MR. DODD: Column five is the date of birth. Column six, the place of birth. Column seven, cause of death. In these cases their cause of death is stated as follows:

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"Execution pursuant to order of the Chief of SIPO and SD dated 30th April 1942, and the ditto marks beneath indicate that the same cause of death was assigned to the names which come beneath it. In the eighth column is the date of death and the hour of death. The first one being 9-5-42 at 23.35 hours. In the ninth column there is a space which says it is reserved for comments.

THE PRESIDENT: There are numbers there too - M1681 is the first one.

MR. DODD: Well, the German word, I am told, means that it confirms the death with that number. Apparently the number of the

THE PRESIDENT: I think you said the number of the corpse.

MR. DODD: The number of the corpse, I think that is what it is as distinguished from the number of the prisoner. Each corpse was given a number as well after the individual died.

COLONEL STOREY; If the Tribunal please, the next phase of war crimes, Crimes Against Humanity, Persecution of Jews, will be presented by Major Walsh.

MAJOR WALSH: If the Tribunal please, on behalf of the United States Counsel I now present to this august Tribunal the evidence to establish certain phases of the indictment alleged in Count I under War Crimes and Crimes Against Humanity, and by agreement between the prosecutors the allegations in Count IV, paragraph 10(b), Crimes Against Humanity. The topical title of this presentation is, "The Persecution of the Jews".

At this time I offer in evidence a document book of translations, U.S.A. Exhibit . . . These documents contained in the books are arranged according to the D-, TL-, PS-, and the R-series; and under the series the translations are listed numerically. This title, "The Persecution of the Jews," is singularly inappropriate when weighted in the light of the evidence to follow. Academically, I am told, to persecute is to afflict, harrass, and annoy. The term used does not convey, and indeed I cannot conjure a term that does convey the ultimate aim, the avowed purpose to obliterate the Jewish race.

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This presentation is not intended to be a complete recital of all the crimes committed against the Jews. The extent and the scope of the crimes was so great that it permeated the entire German nation, its people, and its organizations.

I am informed that others to follow me will offer additional evidence under other phases of the prosecution's case. Evidence relating to the Party and State organizations, whose criminality the prosecution will seek to establish, will disclose and emphasize the part that these organizations played in the pattern and plan of annihilation.

The French and the Soviet prosecutors too have a volume of evidence all related to this subject, which will be submitted in the course of this trial.

Before I begin a recital of the overt acts leading to the elimination of the Jews, I am prepared to show that those acts and policies within Germany from the year 1933 to the end of the war related to the planning, preparation, initiation, and waging of aggressive wars, and thus falling within the definition of "Crimes Against Humanity", as defined in Article 6(c) of the Charter.

It had long been a German theory that the first world war ended in Germany's defeat because of a collapse in the zone of the interior. In planning for future wars it was determined that the home front must be secured to prevent a repetition of this 1918 debacle. Unification of the German people was essential to successful planning and waging of war, and the Nazi political premise must be established --"One race, one State, one Fuehrer."

Free trade unions must be abolished, political parties (other than the National Socialist Party) must be outlawed, civil liberties must be suspended, and opposition of every kind must be swept away. Loyalty to God, church, and scientific truth was declared to be incompatible with the Nazi regime. The anti-Jewish policy was part of this plan for unification because it was the conviction of the Nazis that the Jews would not contribute to Germany's military program, but on the contrary would hamper it. The Jew must therefore be

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eliminated.

This view is clearly borne out by a statement contained in Document 1919-PS, United States Exhibit 170. This document is a transcript of a Himmler speech at a meeting of the SS Major Generals on 4 October 1943, and from page four, paragraph three, of the translation before the court, I read a very short passage:

"We know how difficult we should have made it for ourselves if with the bombing raids, the burdens and deprivations of war — we still had Jews, today in every town as secret saboteurs, agitators, and trouble mongers, we would now probably have reached the 1916-17 stage when the Jews were still in the German national body."

The treatment of the Jews within Germany was therefore as much of a plan for aggressive war as was the building of armaments and the conscription of manpower. It falls within the jurisdiction of this Tribunal as an integral part of the planning and preparation to wage a war of aggression.

It is obvious that the persecution and murder of Jews throughout the conquered territories of Europe following 1939 are war crimes as defined by Article 6(b) of the Charter. It further violates Article 46 of the Regulations of the Hague Convention of 1907, to which Germany was a signatory. I quote Article 46 and ask the Court to take judicial notice thereof.

"Family honor and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected."

I know of no crime in the history of mankind more horrible in its details than the treatment of the Jews. It is intended to establish that the Nazi Party precepts, later incorporated within the policies of the German State, often expressed by the defendants at bar, were to annihilate the Jewish people. I shall seek to avoid the temptation to editorialize or to draw inferences from the documents, however great the provocation; rather I shall let the documentary evidence speak for

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itself -- its stark realism will be unvarnished. Blood lust may have played some part in these savage crimes, but the underlying purpose and objective to annihilate the Jewish race was one of the fundamental principles of the Nazi plan to prepare for and to wage aggressive war. I shall from this point limit my proof to the overt acts committed but I dare to request the Court's indulgence, if it is deemed necessary to weaving the pattern of evidence, to make reference to certain documents and evidence previously submitted.

Now this ultimate objective, that is, the elimination and extermination of the Jews, could not be accomplished without preliminary steps and measures. The German State must first be seized by the Nazi Party, the force of world opinion must be faced, and even the regimented German people must be indoctrinated with hatred against the Jews.

The first clear-cut evidence of the Party policies concerning the Jews was expressed in the Party program in February 1920.

I offer in evidence Document 1708-PS, Program of the National Socialist Party, U.S. Exhibit 255. With the Court's permission, I would like to quote the relevant part of that program:

"Paragraph (b). Only a member of the race can be a citizen. A member of the race can only be one who is of German blood without consideration of confession."

THE TRIBUNAL (Mr. Biddle): May I interrupt a minute. It is a little hard to know where these exhibits are or what volume you are now quoting from.

MAJOR WALSH: This, sir, is 1708-PS.

THE TRIBUNAL (Mr. Biddle): Volume 2?

MAJOR WALSH: Volume 2.

THE TRIBUNAL (Mr. Biddle): And what page of that exhibit?

MAJOR WALSH: That is Paragraph 4 and Paragraph 6, sir, on the first page.

Paragraph (4):

"Only a member of the race can be a citizen. A member of the race can only be one who is of German blood, without consideration of

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confession. Consequently, no Jew can be a member of the race."

And again, in Paragraph (6):

"The right to determine matters concerning administration and law belongs only to the citizen; therefore, we demand that every public office of any sort whatsoever, whether in the Reich, the county or municipality, be filled only by citizens."

I now offer Document 2662-PS, Mein Kampf, U.S. Exhibit 256. On pages 724-725, Hitler, in this book, speaking of the Jew, said that if the National Socialist movement was to fulfil its task -- and I quote:

"It must open the eyes of the people with regard to foreign nations and must remind them again and again of the true enemy of our present day world. In the place of hate against Aryans -- from whom we may be separated by almost everything, to whom, however, we are tied by common blood or the great tie of a common culture -- it must dedicate to the general anger the evil enemy of mankind as the true cause of all suffering.

"It must see to it, however , that at least in our country he be recognized as the most mortal enemy and that the struggle against him may show, like a flaming beacon of a better era, to other nations too , the road to salvation for a struggling Aryan mankind."

A flood of abusive literature of all types and for all age groups was published and circulated throughout Germany. Illustrative of this type of publication is the book Der Giftpilz.

I offer in evidence Document 1778-PS, U.S. Exhibit 257.

This book brands the Jew as a persecutor of the labor class, as a race defiler, devil in human form, a poisonous mushroom, and a murderer. This particular book instructed school children to recognize the Jew by caricature of his physical features, shown on pages 6 and 7, taught them that the Jew abuses little boys and girls, on page 30, and that the Jewish Bible permits all crimes, pages 13-17. The Defendant Streicher's periodical Der Stuermer, No.14, April 1937, in particular, went to such extremes as to publish the statement that Jews at the ritual celebration of their Passover slaughtered Christians.

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I offer Document 2699-PS, U.S. Exhibit 258. On page 2, Column 1, paragraphs 6 to 9, I quote:

"The numerous confessions made by the Jews show that the execution of ritual murders is a law to the Talmud Jew. The former Chief Rabbi, and later monk, Teofite, declared that the ritual murders take place especially on the Jewish Purim in memory of the Persian murders, and Passover in memory of the murder of Christ. The instructions are as follows:

"The blood of the victims is to be tapped by force. On Passover it is to be used in wine and matzos. Thus, a small

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part of the blood is to be poured into the dough of the matzos and into the wine. The mixing is done by the Jewish head of the family. The procedure is as follows:

"The family head empties a few drops of the fresh and powdered blood into the glass, wets the fingers of the left hand with it and sprays, blesses, with it everything on the table. The head of the family then says, 'Thus we ask God to send the ten plagues to all enemies of the Jewish faith.' Then they eat, and at the end the head of the family exclaims, 'May all Gentiles perish, as the child whose blood is contained in the bread and wine.'

"The fresh, or dried and powdered blood of the slaughtered is further used by young married Jewish couples, by pregnant Jewesses, for circumcision and so on. Ritual murder is recognized by all Talmud Jews. The Jew believes he absolves himself thus of his sins."

It is difficult for our minds to grasp that falsehoods such as these could fall on fertile soil, that a literate nation could read, digest, or believe. We must realize, however, that with a rigidly controlled press which precluded an expose of such lying propaganda, some of the ignorant and gullible would be led to believe.

I now offer in evidence Document 2679-PS, a copy of Der Stuermer, U.S. Exhibit 259.

This publication, Der Stuermer, was published by the Defendant Streicher' publishing firm. In this publication, Streicher, speaking of the Jewish faith, said:

"The Holy Scripture is a horrible criminal romance abounding with murder, incest, fraud and indecency."

And again he said:

"The Talmud is the great Jewish book of crimes that the Jew practices in his daily life."

This is contained in Document 2698-PS, Der Stuermer, which I now offer in evidence, U.S. Exhibit 260.

This propaganda campaign of hate was too widespread and notorious to require further elaboration. Within the documents offered in evidence in this and in other phases of the case will be found similar and even more scurrilous statements, many by the defendants themselves, and others by their

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accomplices.

When the Nazi Party gained control of the German State, a new and terrible weapon against the Jews was placed within their grasp, the power to apply the force of the State against them. This was done by the issuance of decrees. Jewish immigrants were denaturalized:

1933 Reichsgesetzblatt, Part I, page 480, signed by Defendants Frick and Neurath;

native Jews were precluded from citizenship;

1935 Reichsgesetzblatt, Part I, page 1146, signed by Defendant Frick; Jews were forbidden to live in marriage or to have extra-marital relations with persons of German blood;

1935 Reichsgesetzblatt, Part I, page 1146, signed by Frick and Hess; Jews were denied the right to vote;

1936 Reichsgesetzblatt, Part I, page 133, signed by Defendant Frick; Jews were denied the right to hold public office or civil service positions;

Reichsgesetzblatt 1933, Part I, page 277, signed by Defendant Frick; It was determined to relegate the Jews to an inferior status by denying them common privileges and freedoms. Thus, they were denied access to certain city areas, sidewalks, transportation, places of amusement, restaurants;

1938 Reichsgesetzblatt, Part I, page 1676.

Progressively, more and still more stringent measures were applied, even to the denial of private pursuits. They were excluded from the practice of dentistry;

1939 Reichsgesetzblatt, Part I, page 47, signed by Defendant Hess.

The practice of law was denied.

1938 Reichsgesetzblatt, Part I, page 1403, signed by Defendants Frick and Hess.

The practice of medicine was denied.

1938 Reichsgesetzblatt, Part I, page 969, signed by Defendants Frick and Hess.

They were denied employment by press and radio;

1933 Reichsgesetzblatt, Part I, page 661, from stock exchanges and stock brockerage.

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1934 Reichsgesetzblatt, Part I, page 169, and even from farming.

1933 Reichsgesetzblatt, Part I, page 685.

In 1938 they were excluded from business in general and from the economic life of Germany.

1938 Reichsgesetzblatt, Part I, page 1580, signed by the Defendant Goering.

The Jews were forced to pay discriminatory taxes and huge atonement fines. Their homes, bank accounts, real estate and intangibles were appropriated.

To digress for a moment from a recital of decrees and to refer specifically to the atonement fines, I wish to offer Document 1816-PS, U.S. Exhibit 261. This exhibit is a stenographic report of a conference under the chairmanship of the Defendant Goering, attended by the defendant Funk, among others, held at 11 o'clock on 12 November 1938 at the Reich Ministry for Air.

From pages 8 and 9 of Section 7, I quote the defendant Goering:

"One more question, gentlemen, what would you think the situation would be if I'd announced today that Jewry"--

THE TRIBUNAL (Mr. Biddle)(Interposing): What page are you on?

MAJOR WALSH: From the English, sir, the middle of page 22.

"One more question, gentlemen, what would you think the situation would be if I'd announced today that Jewry shall have to contribute this one billion as a punishment."

And then the last paragraph on page 22 of the translation before the Court -- I quote:

"I shall close the wording this way that German Jewry shall, as punishment for their abominable crimes, etc., etc., have to make a contribution of one billion, that'll work. The pigs won't commit another murder. I'd like to say again that I would not like to be a Jew in Germany."

It was whimsical remarks such as these that originated decrees, for following this meeting, a decree was issued placing upon the German Jews the burden of a billion Reichsmark fine.

1938 Reichsgesetzblatt, Part I, page 1579, dated 12 November 1938, signed by the Defendant Goering.

Similar decrees are contained in 1939 Reichsgesetzblatt, Part I, page 282,

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signed by the Defendant Goering, and 1941 Reichsgesetzblatt, Part I, page 722, signed by Defendants Frick and Bormann.

Finally, in the year 1943, the Jews were placed beyond the protection of any judicial process by a decree signed by the Defendants Bormann and Frick and others, and the police became the sole arbiters of punishment and death.

1943 Reichsgesetzblatt, Part I, page 372, signed by Frick and Bormann.

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I ask the Court to take judicial notice of the Reichsgestzblatt decrees cited.

Side by side with the passage of these decrees and their execution went still another weapon wielded by the Party and the Party controlled State. These were the openly sponsored and official anti-Jewish boycotts against Jews. I now offer Document 2409-PS, the published diary of Joseph Goebbels, and I invite the Court's attention to page 290, where, under date of 29 March 1933, he wrote -- the Court will find the quotation on the top of page 1 of the translation of 2409:

"The boycott appeal is approved by the entire cabinet."

And again, on the 31st of March, 1933, he wrote on page 1, and the first sentence of paragraph 5:

"We are having a last discussion among a very small circle and decide that the boycott is to start tomorrow with all severity."

The defendant Streicher and the defendant Frank, together with Himmler, Ley and others, were members of a central committee who conducted the 1933 boycott against the Jews. Their names are listed in Document 2156-PS, National Socialist Party correspondence, 29 March 1933, U. S. Exhibit 263.

As early as 1933, violence against the Jews was undertaken. Raids were conducted by uniformed Nazis on services within synagogues. Attending members of the synagogues were assaulted and religious insignia and emblems were desecrated. A report of such an occurrence was contained in an official dispatch from the American Consul General in Leipzig, dated 5 April 1943.

I offer in evidence Document 2709-PS.

THE PRESIDENT: What do you refer to 2156 for?

MAJOR WALSH: Only, sir, to show the names of the Defendants Streicher and Frank as members of the boycott committee.

THE PRESIDENT: I see.

MAJOR WALSH: Document 2709 has been given U. S. Exhibit number 265.

From paragraph 1 of page 1, I quote:

"In Dresden several weeks ago uniformed Nazis raided the Jewish prayer house, interrupted the evening religious service, arrested 25

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worshippers, and tore the holy insignia or emblems from their headcovering worn while praying."

At a meeting here in Nurnberg, before the representatives of the German press, the Defendant Streicher and Mayor Liebel of Nurnberg revealed in advance to the gathered members of the press that the Nurnberg synagogue was to be destroyed.

I offer in evidence Document 1724-PS, U. S. Exhibit 266, which is minutes of this meeting, dated 4 August 1938. From page 1, paragraph 4 of the original, I quote the translation before the Court:

"The breaking up of the synagogue
(information must still be secret)

"On August 10, 1938 at 10 o'clock a.m., the breakup of the synagogues will commence. Gauleiter Julius Streicher will personally set the crane into motion with which the Jewish symbols, Star of David, etc., will be torn down. This should be arranged in a big way. Closer details are still unknown."

The defendant Streicher himself supervised the demolition.

In support of this, I offer Document 2711-PS, a newspaper account of 11 August 1938, U. S. Exhibit 267, paragraph 1 of the translation before the Court:

"In Nurnberg the Synagogue is being demolished; Julius Streicher himself inaugurates the work by a speech lasting more than an hour and a half. By his order then -- so to speak as a prelude of the demolition -- the tremendous Star of David came off the cupola."

These accounts of violence were not localized anti-Semitic demonstrations, but were directed and ordered from a centralized headquarters in Berlin. This is established by a series of teletype messages sent by the Berlin Secret State Police Headquarters to police chiefs throughout Germany on 10 November 1938, which contained instructions pertaining to the prearranged demonstration.

I now refer to Document 2051-PS, previously offered in evidence as U. S. Exhibit 240. I shall quote the relevant part of one of these confidential orders signed by Heydrich, the translation before the Court,

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the last half of page 2.

THE PRESIDENT: 2051?

MAJOR WALSH: 3051, sir, I'm sorry.

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"Because of the attempt on the life of the Secretary of the Legation vom Rath in Paris tonight, 9-10 November 1938, demonstrations against Jews are to be expected throughout the Reich. The following instructions are given on how to treat these events:

"1) The Chiefs of the State Police, or their deputies, must get in telephonic contact with the political leaders who have jurisdiction over their districts and have to arrange a joint meeting with the appropriate inspector or commander of the Order Police to discuss the organization of the demonstrations. At these discussions the political leaders have to be informed that the German Police has received from the Reichsfuehrer SS and Chief of the German Police the following instructions, in accordance with which the political leaders should adjust their own measures.

a) Only such measures should be taken which do not involve danger to German life or property. (For instance synagogues are to be burned down only when there is no danger of fire to the surroundings).

b) Business and private apartments of Jews may be destroyed but not looted. The police is instructed to supervise the execution of this order and to arrest looters."

To this point we have found a gradual and a mounting emphasis in the campaign against the Jews, one of the basic tenets of the Nazi Party and of the State. The flame of prejudice has now been lighted and fanned. The German people have been to a large degree indoctrinated, and the seeds of hatred have been sown. The German State is armed and is prepared for conquest and the force of world opinion can now safely be ignored. Already they have forced out of Germany 200,000 of its original 500,000 Jews. The Nazi controlled German State is therefore emboldened and Hitler in anticipation of the aggressive wars already planned casts about for a "whipping boy" upon whose shoulders can be placed the blame for the world catastrophe yet to come. The speech before the Reichstag on 30th January, 1939, is set forth in document No. 2663-PS, which I now offer in evidence as U.S.A. Exhibit 268. I quote--

THE PRESIDENT: What is the number please?

MAJOR WALSH: 2663-PS--a very short extract, Sir. "If the international Jewish financiers within and without Europe succeed in

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plunging the Nations once more into a world war, the result will not be the Bolshevization of the world and the victory of Jewry, but the obliteration of the Jewish race in Europe."

THE PRESIDENT: We will adjourn for ten minutes.

(Whereupon a recess was taken from 15.35 to 15.45.)

THE PRESIDENT: Major Walsh, it would, I think, assist the Tribunal if you were careful to state the PS number which we have got, you see, rather more clearly and slowly. You see, the United States Exhibit Number we have not got and I do not know whether it would be better to state the United States Exhibit number first and then give us the PS number; I am not sure it would. Anyhow, if you would go a little more slowly and make certain we get the PS number it would be helpful.

MAJOR WALSH: Yes, Your Honor.

The Chief Editor of the official organ of the SS, the "Schwarze Korps," expressed similar sentiments on August 8th, 1940.

I offer in evidence document 2668-PS; this is U.S.A. Exhibit No. 269, page 2 of the original and the full excerpt before the Court in translation, as follows.

> "Just like the Jewish question will be solved for Germany only when the last Jew has been deported, so the rest of Europe should also realize that the German peace which awaits it must be a peace without Jews."

These were not the only officials of the Party and of the State to voice the same views. The Defendant Rosenberg wrote for the publication "World Struggle." I offer in evidence document 2665-PS, U.S.A. Exhibit No. 270. This publication, Nos. 1 and 2, April and September, 1941, page 71 of the original reads: "The Jewish question will be solved only when the last Jew has left the European continent."

The Court will recall Justice Jackson's reference to the apologetic note contained in the diary of Hans Frank when he wrote, and I quote from document 2233-PS, U.S.A. Exhibit No. 271, bottom of

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page 1 of the translation: "Of course, I could not eliminate all lice and Jews in only a year's time. But in the course of time, and above all, if you will help me, this end will be attained."

THE PRESIDENT: I forgot to say, Major Walsh, it would help us too, when you do not begin at the beginning of a paragraph, if you would indicate where about it is.

MAJOR WALSH: Yes, Sir, I shall do that.

While this presentation is not necessarily intended to be a chronological narrative of events in the treatment of the Jewish people, it would appear at this point that we should pause to examine the record to date. We find that the Nazi Party and the Nazi-dominated State has, by writings and by utterances, by decrees and by official acts, clearly expressed their intent: the Jew must be eliminated.

How do they now progress to the accomplishment of this purpose? The first requirements was a complete registration of all Jews and inasmuch as the policy relating to the Jews followed on the heels of German aggression, such registration was required not only within the Reich, but successively within the

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conquered territories. For example, within Germany registration was required by decree (Reichsgesetzblatt Part I, 1938, page 922, 23 July, signed by the Defendant Frick); within Austria (Reichsgesetzblatt, Volume 1, 1940, page 694, 29 April); within Poland (Kurjer Krakowski, 24 October, 1939); in France (Journal Official No. 9, page 92, 30 - September, 1940); in Holland (Verordnungsblatt, No. 16, 10 January, 1941, signed by the Defendant Seyss-Inquart).

The second step was to segregate and concentrate the Jews within restricted areas, called ghettos. This policy was carefully worked out and perhaps the confidential statement taken from the files of the Defendant Rosenberg will best serve as an illustration.

I offer in evidence a copy of memorandum from Defendant Rosenberg's file, entitled "Directions for Handling of the Jewish Question", Document 212-PS, U.S.A. Exhibit 272. I quote from the top of page 2 of the translation before the Court;

"The first main goal of the German measures must be strict segregation of Jewry from the rest of the population. In the execution of this, first of all, is the seizing of the Jewish population by the introduction of a registration order and similar appropriate measures--"

And then, on the second page, in the second paragraph, I continue:

"--all rights of freedom for Jews are to be withdrawn. They are to be placed in ghettos and at the same time are to be separated according to sexes. The presence of many more or less closed Jewish settlements in White Ruthenia and in the Ukraine makes this mission easier. Moreover, places are to be chosen which make possible the full use of the Jewish manpower in case labor needs are present. These ghettos can be placed under the supervision of a Jewish self-government with Jewish officials. The guarding of the boundaries between the ghettos and the outer world, is, however, the duty of the Police.

"Also, in the cases in which a ghetto could not yet be established, care is to be taken through strict prohibitions and similar suitable measures that a further intermingling of blood of the Jews and the rest of the populace does not continue".

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In May, 1941, Rosenberg, as the Reich Minister for the Eastern Regions, issued directions confining the Jews to ghettos in the Ukraine.

I offer in evidence Document 1028-PS, U.S.A. Exhibit 273, and from the first sentence of the translation before the Court, I read:

"After the customary removal of Jews from all public offices, the Jewish question will have to have a decisive solution; through the institution of ghettos."

The policies quoted in the quoted Rosenberg memoranda were not isolated instances, nor the acts of one individual. It was the expressed State policy. Defendant von Schirach played his part in the program of ghettoization. I offer in evidence document 3048-PS, U.S.A. Exhibit No. 274. Before the Court is a full translation of that what I wish to quote: The Defendant Von Schirach spoke before the European Youth Congress held in Vienna on 14th September, 1942, and from page 2, column 2 of the Vienna edition of the "Voelkischer Boebachter" of 15th September, I quote:

> "Every Jew who exerts influence in Europe is a danger to European culture. If anyone reproaches me with having driven from this city, which was once the European metropolis of Jewry, tens of thousands upon tens of thousands of Jews into the ghetto of the East, I feel myself compelled to reply: I see in this an action contributing to European culture."

One of the largest ghettos was within the City of Warsaw. The original report made by SS Major General Stroop converning this ghetto is entitled "The Warsaw is No More." I now offer in evidence at this time, if the Court please, and request leave to refer to it later on in this presentation, U.S.A. Exhibit No. 275, 1061-PS, top of page 3, of translation, document 1061-PS:

> "The Ghetto thus established in Warsaw was inhabited by about 400,000 Jews."

THE PRESIDENT: The second paragraph. It is the second paragraph isn't it?

MAJOR WALSH: The second paragraph, yes.

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"It contained 27,000 apartments with an average of 2 1/2 rooms each.

It was separated from the rest of the city by partition and other walls, and by walling-up of thoroughfares, windows, doors, open spaces etc.,"

Some idea of the conditions within this ghetto can be gathered from the fact that an average of six persons lived in every room. Himmler received a report from the SS Brigade Fuehrer Group A, dated 15 October 1941, which further illustrates the establishment and operation of the ghettos. I offer document L-180 in evidence as U.S.A. Exhibit No. 276. The translation, if the court please, is from the second paragraph from the bottom of page 9, document L-180:

"Apart from organizing and carrying out measures of execution, the creation of ghettos was begun in the larger towns at once during the first day of operations. This was especially urgent in Knowno because there were 30,000 Jews in a total population of 152,400."

And from the last paragraph on page 9 continuing to page 10 I quote:

"In Riga the so-called 'Mokau Suburb' was designated as a ghetto. This is the worst dwelling district of Riga, already now mostly inhabited by Jews. The transfer of the Jews into the ghetto-district proved rather difficult because the Latvians dwelling in that district had to be evacuated and residential space in Riga is very crowded. 24,000 of the 28,000 Jews living in Riga have been transferred into the ghetto so far. In creating the ghetto, the Security Police restricted themselves to mere policing duties, while the establishment and administration of the ghetto as well as the regulation of the food supply for the inmates of the ghetto were left to Civil Administration; the Labor Officers were left in charge of Jewish Labor.

"In the other towns with a larger Jewish population ghettos shall

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"be established likewise."

Jews were forced into ghettos in the Polish Province of Galicia. No words in my vocabulary could describe quite so adequately the conditions as those contained in the report from Katzmann, Lt. General of Police to Krueger, General of the Police East, dated 20 June 1943, entitled "Solution of Jewish Question in Galicia." I offer document L-18 in evidence as USA Exhibit No. 277. From the translation, if the Court please, we will begin with the last three sentences on page 11, that is, the last three sentences prior to the word nothing, which is there on the page, "Nothing but catastrophical conditions were found in the ghettos of Rawa-Ruska and Rohatyn."

THE PRESIDENT: Where is this?

MAJOR WALSH: This story is on page 11, it would be about eight lines above the ending, or bottom of the page; the story beginning with the words "Nothing but catastrophical conditions."

THE PRESIDENT: Yes.

> "The Jews of Rawa-Ruska, fearing the evacuation, had concealed those suffering from spotted fever in underground holes. When evacuation was to start the police found that 3000 Jews suffering from spotted fever lay about in this ghetto. In order to destroy this center of pestilence at once every police officer inoculated against spotted fever was called into action. Thus we succeeded to destroy this plague-boil, losing thereby only one officer. Almost the same conditions were found in Rohatyn.

On page 19 of this same document, L-18, the last paragraph I wish to further quote.

THE PRESIDENT: Yes.

MAJOR WALSH: "Since we received more and more alarming reports on the Jews becoming armed in an ever increasing manner, we started during the last fortnight in June 1943 an action throughout the whole of the district of Galicia with the intent to use strongest measures to destroy the Jewish gangsterdom. Special measures were found necessary during the action to dissolve the ghetto in

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Lwow where the dug-out mentioned above had been established. Here we had to act brutally from the beginning, in order to avoid losses on our side; we had to blow up, or to burn down several houses. On this occasion the surprising fact arose that we were able to catch about 20,000 Jews instead of 12,000 Jews who had registered. We had to pull at least 3,000 Jewish corpses out of every kind of hiding places; they had committed suicide by taking poison.

On page 20 of this document, the third paragraph I read:

"Despite the extraordinary burden heaped upon every single SS-Police officer during these actions, mood and spirit of the men were extraordinarily good and praiseworthy from the first to the last day."

These acts and actions of removal and slaughter were not entirely without profit. The author of this report on the 9th page of this translated copy stated, and I quote the last paragraph:

"Together with the evacuated action, we executed the confiscation of Jewish property. Very high amounts were confiscated and paid over to the Special Staff "Reinhard". Apart from furniture and many textile goods, the following amounts were confiscated and turned over to Special Staff 'Reinhard'."

I would like to read a few of the many and assorted items confiscated, and listed under this confiscation:

20.952 kilograms of gold wedding rings.
7 Stamp collections, complete.
1 Suit case with pocket knives.
1 basket of fountain pens and propelled pencils.
3 bags filled with rings - not guine.
35 wagons of furs.

I will not burden the Court with the detailed lists of objects of value and of the money confiscated, but the foregoing is cited to illustrate the thoroughness of the looting of a defenseless people, even to the 11.73 kilograms of gold teeth and inlays.

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By the end of 1942, Jews in the General Government of Poland had been crowded into fifty-five localities, whereas before the German invasion there had been approximately 1,000 Jewish settlements within this same area. This is reported in the 1942 official gazette for the General Government, No. 94, page 665, 1 November 1942.

The Jews having been registered and confined within the ghettos now furnished a reservoir for slave labor. It is believed pertinent at this time to point out the difference between the slave labor and labor duty. The latter group were entitled to reasonable compensation, stated work hours, medical care and attention, and other social security measures, while the former were granted none of these advantages, being in fact, on a level below a slave.

Defendant Rosenberg, as Reich Minister for the Occupied Eastern Territories, set up within his organization a department which, among other things, was to seek a solution for the Jewish problem by means of forced labor. His plans are contained in another document, 1024-PS, which I now offer in evidence, U. S. Exhibit 278.

I quote the first part of paragraph three of page one of the document entitled "General Organizations and tasks of our Office for the General Handling of Problems in the Eastern Territory." This is dated 29 April 1941. This brief excerpt reads as follows:

"A general treatment is required for the Jewish problem for which a temporary solution will have to be determined (forced labor for the Jews, creation of Ghettos, etc.)."

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Thereafter he issued instructions that Jewish forced labor should be effected and utilized for every manual labor, and I refer to document 212-PS, already in evidence, U.S. Exhibit No.272, from page 3 of this document, paragraph 5 and paragraph 7. I quote paragraph 7:

"The standing rule that Jewish labor employment in the complete and unyielding use of Jewish manpower regardless of age in the reconstruction of the occupied eastern territories."

And from paragraph 7 of the same page I read:

"Violations against German measures, especially against the forced labor regulations, are to be punished by death to the Jews."

From the ghettos Jewish labor was selected and sent to a concentration area. Here the usable Jews were screened from those considered worthless. For example, a contingent of 45,000 Jews would be expected to yield 10,000 to 15,000 usable laborers. My authority for this statement is contained in a RSHA telegram to Himmler, marked "urgent" and "secret", dated 16 December 1942.

I offer this document, 1472-PS, in evidence, U.S. Exhibit 279, and from the translation before the Court I read the last four lines:

"In the total of 45,000 are included physically handicapped and others (old Jews and children). In making a distribution for this purpose, at least 10,000 to 15,000 laborers will be available when the Jews arriving at Auschwitz are assigned."

From Document L-18, a report from the Lieutenant General of the Police Katzmann to General of the Police East, Krueger, already in evidence, U.S. Exhibit 277, we find the clearly outlined nature of the forced labor situation for the Jews. On page 2 of the translation, starting with paragraph 6, I read:

"The best remedy consisted of the formation, by the SS and Police Leader of Forced Labor Camps. The best opportunity for labor was offered by the necessity to complete the 'Dg.4' road which was extremely important and necessary for the whole of the southern part of the front, and which was in a catastrophically bad condition. On October 15th 1941, the establishment of camps along the road was commenced, and despite

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considerable difficulties there existed, after a few weeks only, seven camps containing 4,000 Jews."

From page 2, paragraph 7, I read:

"Soon more camps followed these first ones, so that after a very short time the completion of fifteen camps of this kind could be reported to the Superior Leader of SS and Police. In the course of time about 20,000 Jewish laborers passed through these camps. Despite the hardly imaginable difficulties occurring at this work I can report today that about 160 kilometers of the road are completed."

And from page 2, paragraph 8, I read:

"At the same time all other Jews fit for work were registered and distributed for useful work by the Labor agencies."

And on page 5, last part of paragraph 1 --

THE PRESIDENT: Don't you want the remainder of that paragraph on page 2?

MAJOR WALSH: It is such a lengthy document. I hesitated to burden the record with so much of it, and had extracted certain portions therefrom, but I shall be very glad to read it into the record.

THE PRESIDENT: "Then, for instance, the Municipal Administration at Lwow had no success in their attempts to house the Jews within a closed district which would be inhabited only by Jews. This question, too, was solved quickly by the SS and Police Leaders through his subordinate officials."

MAJOR WALSH: That's right. With the Court's permission, I add that to the record.

Reading the last paragraph of page 2:

"When the Jews were marked by the Star of David, as well as when they were registered by the labor agencies, the first symptoms appeared in their attempts to dodge the order of the authorities. The measures which were introduced thereupon led to thousands of arrests. It became more and more apparent that the Civil Administration was not in a position to solve the Jewish problem in an approximately satisfactory manner. Then, for instance, the Municipal Administration at Lwow had no success in their attempts to house the Jews within a closed district which would

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be inhabited only by Jews. This question, too, was solved quickly by the SS and Police Leaders through his subordinate officials. This measure became the more urgent as in the winter, 1941, big centers of spotted fever were noted in many parts of the town."

And on page 5 of this document I-18, last half of paragraph 1, I read:

"During this removal of the Jews into a certain quarter of the town several sluices were erected at which all the work-shy and asocial Jewish rabble were caught during the screening and treated in a special way.

"Owing to the peculiar fact that almost 90% of artisans working in Galicia were Jews, the task to be solved could be fulfilled only step by step, since an immediate evacuation would not have served the interest of War Economy."

And again, on page 5, paragraph 2, the latter part, beginning with "cases were discovered":

"Cases were discovered where Jews, in order to acquire any certificate of labor, not only renounced all wages, but even paid money themselves. Moreover, the organizing of Jews for the benefit of their employers grew to such catastrophical extent that it was deemed necessary to interfere in the most energetic manner for the benefit of the German name.

"Since the Administration was not in a position and showed itself too weak to master this chaos, the SS and Police Leader simply took over the entire disposition of labor for Jews. The Jewish labor agencies, which were manned by hundreds of Jews, were dissolved. All certificates of labor given by firms or administrative offices were declared invalid, and the cards given to the Jews by the labor agencies were revalidated by the police offices by stamping them.

"In the course of this action, again, thousands of Jews were caught who were in possession of forged certificates or who had obtained, surreptitiously, certificates of labor by all kinds of pretexts. These Jews also were exposed to special treatment."

If the Court please, at this time I would like to arrange for

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the showing of a very short motion picture,

perhaps one of the most unusual exhibits that will be presented during the tria With the Court's permission I would like to call upon Commander Donovan to assist.

THE PRESIDENT: Need we adjourn for it or not?

MAJOR WALSH: No, sir. The movie itself is very, very short, sir.

THE PRESIDENT: Very well.

COMMANDER DONOVAN: May it please the Tribunal, the United States now offers in evidence Document No. 3052-PS, United States Exhibit No. 280, entitled, "Original German eight-millimeter Film of Atrocities against Jews."

This is a strip of motion pictures taken, we believe, by a member of the SS, and captured by the United States military forces in an SS barracks near Augsburg, Germany, as described in the affidavits now before the Tribunal.

We have not been able to establish beyond doubt in which area these films were made, but we believe that to be immaterial.

The film offers undeniable evidence, made by Germans themselves, of almost incredible brutality to Jewish people in the custody of the Nazis, including German military units.

It is believed by the Prosecution that the scene is the extermination of a ghetto by Gestapo agents, assisted by military units. And, as the other evidence to be presented by the Prosecution will indicate, the scene presented to the Tribunal is probably one which occurred a thousand times all over Europe under the Nazi rule of terror.

This film was made on an eight-millimeter home camera. We have not wished even to reprint it, and so shall present the original, untouched film captured by our troops. The pictures obviously were taken by an amateur photographer. Because of this, because of the fact that part of it is burned, because of the fact that it runs for only one and one-half minutes, and because of the confusion on every hand shown on this film, we do not believe that the Tribunal can properly view the evidence if it is shown only once. We therefore ask the Tribunal's permission to project the film twice, which we did before defense counsel.

This is a silent film. The film has been made available to all defense counsel, and they have a copy of the supportingaffidavits, duly translated.

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(Whereupon the film referred to was shown.)

May it please the Tribunal, while the film is being rewound I wish to say that attached to the affidavits offered in evidence is a description of every picture shown in this film. And, with the Tribunal's permission, I wish to read a few selections from that at this time, before again projecting the film, in order to direct the Tribunal's attention to certain of the scenes.

Scene 2: A naked girl running across the courtyard.

Scene 3: An older woman being pushed past the camera, and a man in SS uniform standing at the right of the scene.

Number 5: A man with a skull cap and a woman are manhandled.

Number 14: A half-naked woman runs through the crowd.

Number 15: Another half-naked woman runs out of the house.

Number 16: Two men drag an old man out.

Number 18: A man in German military uniform, with his back to the camera, watches.

Number 24: A general shot of the street, showing fallen bodies and naked women running.

Number 32: A shot of the street, showing five fallen bodies.

Number 37: A man with a bleeding head is hit again.

Number 39: A soldier in German military uniform, with a rifle, stands by as a crowd centers on a man coming out of the house.

Number 44: A soldier with a rifle, in German military uniform, walks past a woman clinging to a torn blouse.

Number 45: A woman is dragged by her hair across the street.

(At this point the film referred to above was re-run).

We submit to the Tribunal for its permanent records this strip of 8 mm. film.

MAJOR WILLIAM L. WALSH: It is difficult from this point to follow the thread of chronological order or a topical outline. So numerous are the documents and so appalling the contents that in this brief recital, the Prosecution will make no effort to itemize the criminal acts. Selected documents, however, will unfold the crimes in full detail.

Before launching a discussion of the means utilized to accomplish the ultimate aim, that is, the extermination of the Jewish people, I now turn to

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that fertile source of evidence, the diary of Hans Frank, then Governor General of Occupied Poland. In a cabinet session on Tuesday, 16 December 1941 in the Government Building at Cracow, the defendant Frank made a closing address to the session. I offer now in evidence that part of the document number 2233D-PS, USA Exhibit No. 281, identified CV 1941, October to December, and from Page 76, line 10 to page 77, line 33 of the original and of the entire translation before the Court, marked 2233D-PS. I quote:

"As far as the Jews are concerned, I want to tell you quite frankly that they must be done away with in one way or another. The Fuehrer said once: should united Jewry again succeed in provoking a world-war, the blood of not only the nations which have been forced into the war by them, will be shed, but the Jew will have found his end in Europe. I know that many of the measures carried out against the Jews in the Reich at present are being criticized. It is being tried intentionally, as is obvious from the reports on the morale, to talk about cruelty, harshness, etc. Before I continue, I want

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to beg you to agree with me on the following formula: We will principally have pity on the German people only, and nobody else in the whole world. The others, too, had no pity on us. As an old National-Socialist, I must say: This war would only be a partial success if the whole lot of Jewry would survive it, while we would have shed our best blood in order to save Europe. My attitude towards the Jews will, therefore, be based only the expectation that they must disappear. They must be done away with. I have entered negotiations to have them deported to the East. A great discussion concerning that question will take place in Berlin in January, to which I am going to delegate the State - Secretary Dr. Buehler. That discussion is to take place in the Reich Security Main Office with SS-Lt. General Heydrich. A great Jewish migration will begin, in any case.

"But what should be done with the Jews? Do you think they will be settled down in the 'Ostland', in villages? This is what we were told in Berlin: Why all this bother? We can do nothing with them either in the 'Ostland' nor in the 'Reichkommissariat'. So liquidate them yourself.

"Gentlemen, I must ask you to rid yourself of all feeling of pity. We must annihilate the Jews, wherever we find them and wherever it is possible, in order to maintain there the structure of the Reich as a whole. This will, naturally, be achieved by other methods than those pointed out by Bureau Chief Dr. Hummel. Nor can the judges of the Special Courts be made responsible for it, because of the limitations of the frame work of the legal procedure. Such outdated views cannot be applied to such gigantic and unique events. We must find at any rate a way which leads to the goal, and my thoughts are working in that direction.

"The Jews represent for us also extraordinarily malignant gluttons. We have now approximately 2,500,000 of them in the general government, perhaps with the Jewish mixtures and everything that goes with it, 3,500,000 Jews. We cannot shoot or poison those 3,500,000 Jews, but we shall nevertheless be able to take measures, which will lead, somehow,

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to their annihilation, and this in connection with the gigantic measures to be determined in discussions from the Reich. The General Government must become free of Jews, the same as the Reich. Where and how this is to be achieved is a matter for the offices which we must appoint and create here. Their activities will be brought to your attention in due course."

This, if the Tribunal please, is not the planning and scheming of an individual, but is the expression of the official of the German State, the appointed Governor General of Occupied Poland. The methods used to accomplish the annihilation of the Jewish people were varied, and although not subtle, were highly successful.

I have from time to time made reference to certain utterances and actions of the defendant Rosenberg as one of the leaders and policy makers of the Nazi Party and German State. It is perhaps reasonable to assume that the defendant Rosenberg will claim for many of his actions that he pursued them pursuant to superior orders. I have before me, however, a captured document, No. 001-PS, marked secret, dated 18 December 1941, entitled "Documentary Memorandum for the Fuehrer - Concerning: Jewish Possessions in France." USA Exhibit No. 282. I dare say that no document before this Tribunal will more clearly evidence the defendant Rosenberg's personal attitude, his temperament and convictions toward the Jews more strongly than this memorandum, wherein he, on his own initiative, urges plundering and death. I offer in evidence document number 001-PS. The body of the memorandum reads as follows:

"In compliance with the order of the Fuehrer for protection of Jewish, cultural possessions, a great number of Jewish dwellings remained unguarded. Consequently, many furnishings have disappeared because a guard could, naturally, not be posted. In the whole East the administration has found terrible conditions of living quarters, and the chances of procurement are so limited that it is not practical to procure any more. Therefore, I beg the Fuehrer to permit the seizure of all Jewish home

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furnishings of Jews in Paris, who have fled or will leave shortly, and that of Jews living in all parts of the occupied West, to relieve the shortage of furnishings in the administration in the East.

"2. A great number of leading Jews were, after a short examination in Paris, again released. The attempts on the lives of members of the armed forces have not stopped; on the contrary they continue. This reveals an unmistakable plan to disrupt the German-French cooperation, to force Germany to retaliate, and, with this, evoke a new defense on the part of the French against Germany. I suggest to the Fuehrer that, instead of executing 100 Frenchmen, we substitute 100 Jewish bankers, lawyers, etc. It is the Jews in London and New York who incite the French communists to commit acts of violence, and it seems only fair that the members of this race should pay for this. It is not the little Jews, but the leading Jews in France, who should be held responsible. That would tend to awaken the Anti-Jewish sentiment.

"/Signed/ A. Rosenberg."

THE PRESIDENT: May I ask you to speak slowly so that your application will come to me through the telephones correctly.

DR. THOMA (Defense Counsel for Rosenberg): I should like to take this opportunity, at this moment when the Prosecutor has been treating of my client, Rosenberg, I should like to bring an objection to the Commission. Document 212 PS, US Exhibit 272. The Prosecutor stated that this document was an instruction by the Eastern Minister. It begins with the words---

THE PRESIDENT: None of that has come through on the earphones. I don't understand you. You had better begin again.

DR. THOMA: The Prosecutor put in a document, No. 212 PS, US Exhibit 272, and stated that that was an instruction given by the Eastern Minister about the treatment of Jews. In this document, he had instructed that violations against German measures,

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especially against the compulsory labor in the case of Jews could only be punished by death. This document has not been shown to my client, Rosenberg.

THE PRESIDENT: More slowly, please.

DR. THOMA: This document was not given by the Defendant Rosenberg. It bears neither his address nor his signature. I, therefore, object to the statement that this document comes from the Defendant Rosenberg.

THE PRESIDENT: Wait a minute. I don't think that Counsel for the Prosecution said that that document, 212-PS, came in the naked from Rosenberg. I didn't so understand him.

DR. THOMA: I understood him to say that it was an instruction given by the Minister for the East. If I'm not mistaken, he also said it was dated April, 1941. At that time there was no Ministry for the East. Rosenberg was not a party to it.

THE PRESIDENT: I'll ask the Counsel for the Prosecution.

MAJOR WILLIAM L. WALSH: It is my understanding, Sir, that that document, 212-PS, was taken from the captured files of Rosenberg.

DR. THOMA: That is true, but it was filed among the papers of the Defendant Rosenberg, but the Defendant Rosenberg says that he had never seen this document before, that he knew nothing about it and that it has never been through his hands.

THE PRESIDENT: You see, Rosenberg, when he is called as a witness or when you appear to speak for him, will be able to say that he has never seen the document before. All that Counsel for the Prosecution has said--and it appears to be true--is that the document was found in Rosenberg's file. You can say or prove by Rosenberg's evidence when you call Rosenberg--if you do call him--that he never saw the document. Do you understand?

DR. THOMA: Yes.

THE PRESIDENT: It is five o'clock now, so we will adjourn.

(Whereupon at 17.00 hours the Hearing of the Tribunal adjourned to reconvene at 10.00 hours on 14th December, 1945.)